

Sarah LaTourette Kayser <latoursm@gmail.com>

REMINDER: Campus Free Speech Policy Call – SEPT. 8th, 11 AM EDT

1 message

Senator Leah Vukmir <kjohnson@alec.org>
To: latoursm@gmail.com

Fri, Sep 1, 2017 at 8:00 PM

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Dear Sarah,

[This is a special reminder] to join me, the Center to Protect Free Speech Director Shelby Emmett and Alliance Defending Freedom's Casey Mattox on **Friday, September 8th at 11:00 AM EDT** for a "First Fridays" conference call focused on the new ALEC model policy, the Forming Open and Robust University Minds (FORUM) Act.

Call Details:

Sept. 8 @ 11 AM EDT
RSVP Conference Call
FORUM Act info

This new model provides a clear path forward for state legislators. The challenge we face is determining the right action that encourages rather than chills free speech on campus.

[Click Here to RSVP](#)

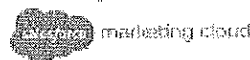
Sincerely,

Senator Leah Vukmir
The Center to Protect Free Speech
Public Chair

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Sarah LaTourette Kayser <latoursm@gmail.com>

Ohio Media Clips, Tuesday, September 5

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>

To: sml@sarahlatourette.com

Tue, Sep 5, 2017 at 8:37 AM

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NEWS

Amazon project receives \$7.8 million job creation tax credit (Associated Press, 9/5/2017)

Court weighs 1st Amendment challenge to Ohio HIV assault law: (Associated Press, 9/5/2017)

Opening of natural gas plant first of many expected in Ohio (Associated Press, 9/5/2017)

Report: Victims' fund denies thousands due to strict rules (Associated Press, 9/5/2017)

Springer, Cordray in speculation mix for Ohio governor race (Associated Press, 9/5/2017)

Another candidate, with a Trump connection, will challenge Josh Mandel in U.S. Senate primary (Cleveland Plain Dealer, 9/5/2017)

Anthony Gonzalez, former Ohio State University football star, files to run for Congress in Ohio (Cleveland Plain Dealer, 9/5/2017)

Editorial: This Labor Day, we're short laborers (Cleveland Plain Dealer, 9/5/2017)

Gov. John Kasich denies clemency to Parma murderer set for execution this month (Cleveland Plain Dealer, 9/5/2017)

Josh Mandel's 'Faith Outreach Team' is Christian, white and conservative. That shows bad faith, other clergy say (Cleveland Plain Dealer, 9/5/2017)

Kaptur backs Sutton in governor race (Cleveland Plain Dealer, 9/5/2017)

No announcement from Richard Cordray, Jerry Springer on Labor Day: Ohio Politics Roundup (Cleveland Plain Dealer, 9/5/2017)

The fight for control of the Democratic Party plays out in Cleveland: Ohio Politics Roundup (Cleveland Plain Dealer, 9/5/2017)

Advertising, legal bills among millions ECOT spending (Columbus Dispatch, 9/5/2017)

Cordray defends bureau, mum on possible run for governor (Columbus Dispatch, 9/5/2017)

Law enforcement officials endorse Marsy's Law (Columbus Dispatch, 9/5/2017)

Ohio law enforcement can't get military surplus yet (Columbus Dispatch, 9/5/2017)

Outside experts assess Ohio's ballot issue on prescription-drug prices (Columbus Dispatch, 9/5/2017)

Portman supports Harvey relief (Columbus Dispatch, 9/5/2017)

Some Republicans not thrilled by Democrats' love-fest with Kasich (Columbus Dispatch, 9/5/2017)

Jerry Springer, Richard Cordray could make governor race interesting (Dayton Daily News, 9/5/2017)

Mixed opinions on pet-friendly patio option for restaurants (Dayton Daily News, 9/5/2017)

Ohio's drug price ballot issue: What's really going on? (Dayton Daily News, 9/5/2017)

Confederacy still honored in Ohio through monuments (Toledo Blade, 9/5/2017)

Opioid death trends in area match state (Toledo Blade, 9/5/2017)

EDITORIALS

Beacon Journal editorial board: Are they 'most deserving of execution'?
(Akron Beacon Journal, 9/5/2017)

Beacon Journal editorial board: Number of dead confirmed in the opioid epidemic (Akron Beacon Journal, 9/5/2017)

U.S. Rep. Jerry Springer? Ohio Gov. Richard Cordray? Resume-wise, it's not beyond imagining: Thomas Suddes (Cleveland Plain Dealer, 9/5/2017)

Editorial: Will 'divider in chief' strike again? (Columbus Dispatch, 9/5/2017)

Don't snooze through alarms (Toledo Blade, 9/5/2017)

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ALEC Free Speech Updates

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Tue, Sep 5, 2017 at 2:10 PM

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Center to Protect Free Speech - September 5, 2017



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"First Fridays" Call September 8th - Campus Speech

Contact Shelby Emmett: Semmett@alec.org

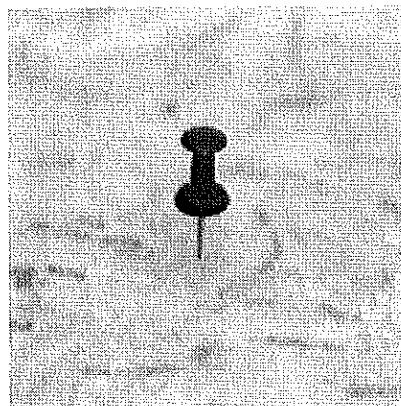


This Friday, the Center to Protect Free Speech will hold its next conference call on our model policy to protect free speech on college campuses. Join us to discuss the Forming Open and Robust University Minds (FORUM) Act... **(RSVP)**

ALEC Issue Briefings

Free Speech Briefings in Your State

Contact Shelby Emmett: Semmett@alec.org



The Center to Protect Free Speech is holding free speech issue briefings at state Capitols across the United States.

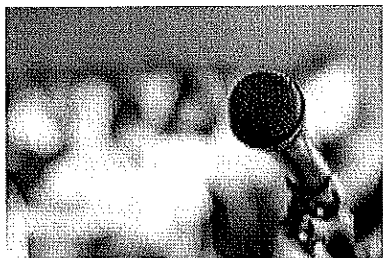
If you are interested in having a free speech issue briefing in your state, click below and Shelby Emmett will reach out to you with more information.

Schedule Your Briefing.

Expert Insight

How I Brought Free Speech Reform (and Tomi Lahren) to my Campus

Giovanni Triana | Red Alert Politics

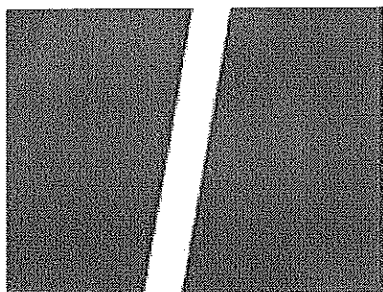


Former ALEC intern Giovanni Triana tells of his experience with speech zones and his work to reform speech codes at East Carolina University... [\(more\)](#)

Expert Opinion

Setting the Record Straight on HUFFPOST

Shelby Emmett | Read Representative Taylor's HUFFPOST Article



HUFFPOST

Center Director Shelby Emmett fired back with a corrective response to Wisconsin Rep. Taylor's HUFFPOST piece about the ALEC campus speech model policy, the Forming Robust and Open University Minds (FORUM) Act... [\(read full response\)](#)

Center Update

Shelby Emmett Hosted Campus Speech Panel

Contact Shelby Emmett: semmett@alec.org



Center Director Shelby Emmett participated in a panel at the State Policy Network's Annual Meeting. The panel discussed both current and potential reforms to protect free speech on college campuses. Other speakers included Guy Benson of Townhall Media and Robert Shibley of Foundation for Individual Rights in Education.

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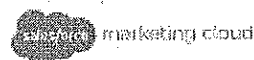


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Ohio Media Clips, Wednesday, September 6

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>

Wed, Sep 6, 2017 at 8:39 AM

To: sml@sarahlatourette.com

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NEWS

Kasich joins Schwarzenegger in political map-making fight (Associated Press, 9/6/2017)

Ohio's chief justice urges lawyers to offer free legal aid: (Associated Press, 9/6/2017)

PX: If this is Ohio Democrats' great hope for governor, 2018 will be tough (Cincinnati Enquirer, 9/6/2017)

Roadblock to medical marijuana in Ohio solved? (Cincinnati Enquirer, 9/6/2017)

Should we talk about politicians' ages? (Cincinnati Enquirer, 9/6/2017)

No announcement from Richard Cordray, Jerry Springer on Labor Day: Ohio Politics Roundup (Cleveland Plain Dealer, 9/6/2017)

Trump says he'll ditch DACA, and Ohio politicians respond: Ohio Politics Roundup (Cleveland Plain Dealer, 9/6/2017)

What Ohio can learn from California to eliminate gerrymandering: Out of Line - Impact 2017 and Beyond (Cleveland Plain Dealer, 9/6/2017)

Fewer refugees being resettled in central Ohio (Columbus Dispatch, 9/6/2017)

Gov. Kasich supports challenge to Wisconsin GOP's legislative-redistricting plan (Columbus Dispatch, 9/6/2017)

In absence of GOP gubernatorial debate, Mary Taylor holds Facebook Live Q (Columbus Dispatch, 9/6/2017)

Kasich, Hickenlooper to sell health-care fix in D.C. (Columbus Dispatch, 9/6/2017)

Marysville woman is third Republican to challenge Sen. Sherrod Brown (Columbus Dispatch, 9/6/2017)

Marysville woman is third Republican to challenge Sen. Sherrod Brown (Columbus Dispatch, 9/6/2017)

Protesters gather at Ohio State over Trump's threat to DACA (Columbus Dispatch, 9/6/2017)

Who will pay if Amazon gets AEP break on data center electricity? (Columbus Dispatch, 9/6/2017)

Dayton Mayor Whaley's campaign for governor pushes education efforts (Dayton Daily News, 9/6/2017)

Medical marijuana: How much and what kinds will patients get in Ohio? (Dayton Daily News, 9/6/2017)

Ohio lawmakers react to Trump action on immigrants (Dayton Daily News, 9/6/2017)

Cordray, Springer in the mix? (Youngstown Vindicator, 9/6/2017)

EDITORIALS

Beacon Journal editorial board: What would Issue 2 save? It's sketchy (Akron Beacon Journal, 9/6/2017)

Editorial: Ohio targets killer epidemic (Columbus Dispatch, 9/6/2017)

Force farmers to clean up mess (Toledo Blade, 9/6/2017)

Trump sends mixed message (Youngstown Vindicator, 9/6/2017)

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Gmail - Ohio Media Clips, Wednesday, September 6

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ALEC Headline News Updates

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Digital Exchange - September 7, 2017

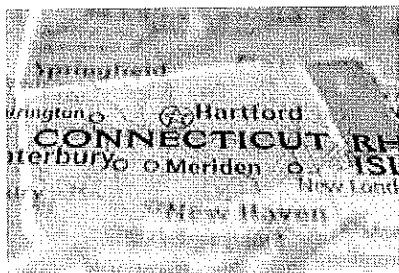


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Connecticut's GDP Hurt by State Income Tax

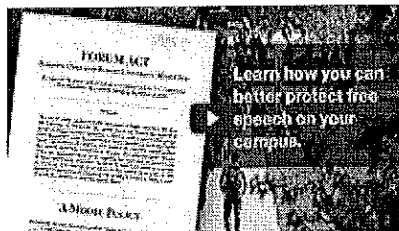
Thurston Powers | *Hartford Courant*

Thurston Powers, ALEC Tax Analyst, authored op-ed in the *Hartford Courant* on the state's growing deficit due to its corrective sales tax increase... [\(more\)](#)

NEW VIDEO: ALEC Policy 101

The FORUM Act - A Model Policy Proposal

Shelby Emmett | ALEC Model Policy



Shelby Emmett, Director of the Center to Protect Free Speech, talks about the new model policy, the FORUM Act. The video explains how legislators can better protect free speech on college campuses... [\(view\)](#)

ALEC Events Update

The Center to Protect Free Speech - FIRST FRIDAY'S CALL TOMORROW

Contact Shelby Emmett for more info: semmett@alec.org

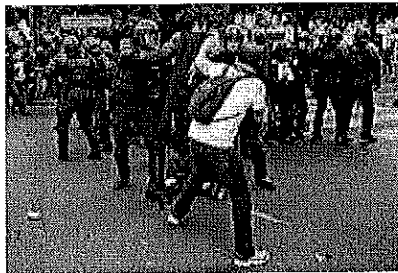
Tomorrow, at 11:00 AM EDT, the Center to Protect Free Speech will hold its next conference call. Join the discuss on the **Forming Open Robust University Minds (FORUM) Act**. [Click here](#) for call-in details.



Expert Opinion

Violence Next Time

Stephen Moore | *Townhall*

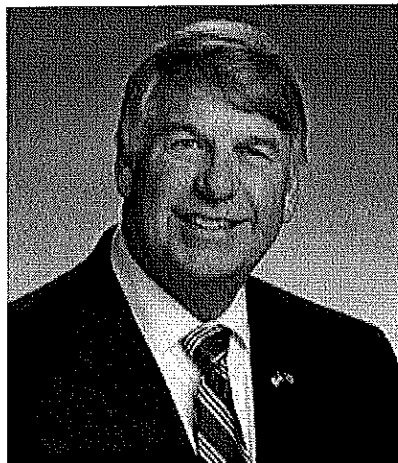


Stephen Moore, ALEC friend and contributor, recounts his first-hand experience with violent protesters disrupting the 2016 Annual Meeting in Pittsburgh. The *Townhall* article provides a poignant view of constructive protests v. organized violence recently seen in the news... [\(more\)](#)

Featured ALEC Member

ALEC-FreedomWorks Legislator of the Week

Senator Ed Jackson | TN-27



This week, ALEC and FreedomWorks are proud to introduce Senator Ed Jackson, of Tennessee's 27th District. This weekly Q&A profile showcases legislators who embody the principles of limited government, free markets and federalism. This series introduces key legislators to ALEC members. Here's an excerpt:

"At my first ALEC meeting, I was able to learn about problems, not just in Tennessee, but issues all states were struggling with." [\(read Q&A\)](#)

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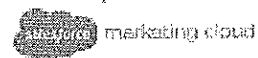


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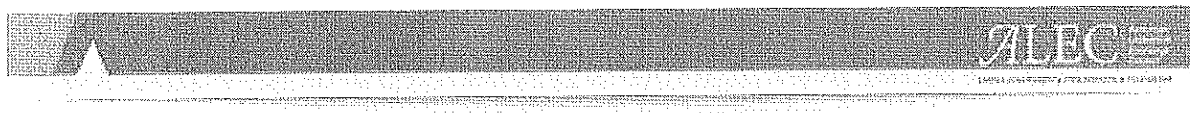
ALEC: Center for State Fiscal Reform Updates

1 message

American Legislative Exchange Council <kjohnson@alec.org>

Tue, Sep 12, 2017 at 5:11 PM

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Center for State Fiscal Reform - September 12, 2017



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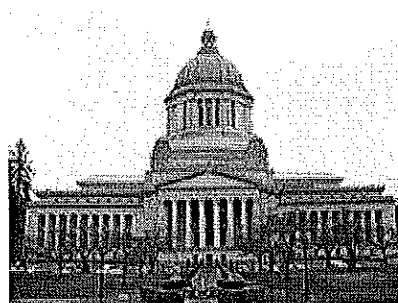
Think Deficit-Neutrality, Not Revenue-Neutrality to Pass Tax Cuts

Jonathan Williams and Alfredo Ortiz | *The Hill*

Jonathan Williams, ALEC Chief Economist and Vice President of the Center for State Fiscal Reform, and colleague Alfredo Ortiz co-authored an op-ed discussing the messaging strategy for the upcoming debate on Tax Reform... [\(more\)](#)

Expert Insight

Reliance on Legally Questionable Tax Threatens State Budget

Bob Williams and Erica York | *The Huffington Post*

ALEC Senior Scholar, Bob Williams, discusses the vulnerability of Washington State's budget due to its reliance on a controversial tax in his regular Huffington Post column... [\(more\)](#)

Expert Opinion

Connecticut Hurt By Reliance On Income Tax

Thurston Powers | *The Hartford Courant*

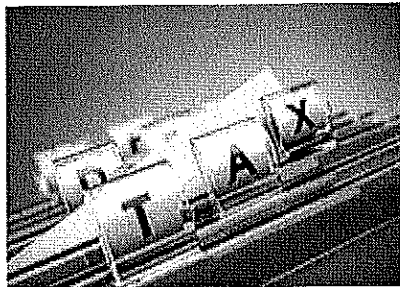
Thurston Powers, ALEC Tax Analyst, authored an op-ed concerning his home state's underperforming economy due to its current tax policy... [\(more\)](#)



Expert Opinion

Resist the Temptation to Tax Gross Receipts

Erica York | American Legislative Exchange Council



ALEC Tax Analyst, Erica York, provides an expert look into the economic effect of Gross Receipts Taxes as states desperately chase revenue. This tax does not belong in the modern budget toolkit... [\(more\)](#)

Interview

Jonathan Williams Sits Down with Genevieve Wood of The Daily Signal

Jonathan Williams | *The Daily Signal*-Heritage Foundation



ALEC Chief Economist and Vice President of the Center for State Fiscal Reform, Jonathan Williams, joins Genevieve Wood of *The Daily Signal* to discuss tax reform and state-related issues... [\(view\)](#)

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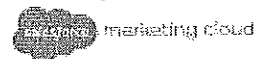


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Ohio Report, Tuesday, September 12, 2017

1 message

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Tue, Sep 12, 2017 at 6:16 PM

To: sml@sarahlatourette.com

OHIO REPORT

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OHIO REPORT TUESDAY, SEPTEMBER 12

High Court Hears Oral Arguments In Abortion Clinic Transfer Agreement Case

Groups Voice Support For Elder Fraud Bill Before Senate Committee

Restrictions On Employer-Mandated Flu Vaccines Move Forward

Opponents: Abortion Bill Would Hinder Patient-Doctor Relationships

Lawmaker Pushes Submetering Regulation Bill, Slams PUCO Approach

House Committee Continues Focus On Gun Bills

Bill Would Create Multi-State Compact Focused On Curing Diseases

Education Panel Examines Teaching Strategies Focused On Self-Regulation, Social-Emotional Learning

Lawmaker Voices Concerns With Fantasy Gaming Bill

BRAC Panel Prepping Ohio Military Base Tours

Capitol Scene: Tobin To Lead Prosecutors Association; AMP, Coal Association Make Hires

Governor's Appointments

Senate Committee Hearings

Local Government, Public Safety & Veterans Affairs

Judiciary

Finance

Health, Human Services & Medicaid

Government Oversight & Reform

House Committee Hearings

Economic Development, Commerce & Labor

Criminal Justice

Federalism & Interstate Relations

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The Record of Capitol Square Since 1906

Senate Activity for Tuesday, September 12, 2017

COMMITTEE HEARINGS

Local Government, Public Safety & Veterans Affairs

HBCOURT JURISDICTIONS (Craig, H., Seitz, B.) To specify the jurisdiction of municipal and county courts **125** over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Bill Seitz (R-Cincinnati) said the bill stems from actions taken by villages to circumvent a state law that resulted in the loss of mayors' courts. The local entities have set up "civil violation systems" to keep traffic fine revenue flowing, and he has heard of penalties as high as \$1,500 under these new setups, he said.

"HB125 looks to halt this unscrupulous practice by capping the fines in excess or not included in local municipal or county court's schedule of fines," he said.

Rep. Seitz said the bill would not prevent small villages from using photo enforcement devices, but they must follow state law requiring a police officer to be present at the device location. That's because a recent Ohio Supreme Court decision that tossed that aspect of the law applies only to home rule cities.

The chief cosponsor said the bill also closes a "loophole" by preventing townships from "using photo enforcement civil violation cameras on the interstate." An amendment on that provision, which clarifies that the jurisdictions would still be able to provide mutual aid on interstates, is forthcoming, he said.

The bill passed the House 92-1, Rep. Seitz said.

Rep. Hearcel Craig (D-Columbus), the other chief cosponsor, proposed the legislation after the Village of Brice in Central Ohio rolled out its civil violation system after being stripped of its mayors' court.

"Under this new system, village law enforcement has written more than 1,000 traffic citations, some for as much as \$1,500. Under the civil-violation system, tickets not paid within a certain time frame are charged an additional \$500 penalty," he said. "Citations have been written for speeding, suspended license and illegal window tints."

The sponsor said the Brice citations are not reported to the state BMV or the county court, and contested violations are subject to administrative hearings overseen by the village prosecutor, who has full discretion over the matter.

"This legislation would cap fines, fees and other charges that are in excess of, or not included in, the local municipal or county court's schedule of fines and costs. It would also specify the jurisdiction of municipal and county courts over municipal traffic ordinances," Rep. Craig said. "I believe this bill addresses what is a fundamental issue of fairness. This legislation will ensure our citizens are not falling victim to speed traps and excessive fees governed by a different set of rules beyond what state law prescribes."

The sponsor said the bill was crafted with input from the Ohio Judicial Conference, the Ohio Attorney General's office, Franklin County Sheriff's office and the Franklin County Municipal Clerk of Courts.

HBRECORDS EXEMPTION (Hambley, S., Rezabek, J.) To exempt from the Public Records Law certain **8** information concerning a minor that is included in a record related to a traffic accident involving a school vehicle in which the minor was an occupant at the time of the accident. (CONTINUED; 2nd Hearing-Proponent)

William Horton, the parent of a child involved in a bus crash last year, testified in support of the measure, saying his son's private information was provided to law enforcement authorities following the incident by the Highland Local School District in Medina County.

He became aware of that action, which was required under current law, after he received a letter regarding the incident. "I was shocked when I received solicitation in the mail from personal injury law firms," he said.

The information provided to authorities regarding his son and five other children on the bus included their ages, birth dates, addresses and phone numbers, he said.

Mr. Horton noted that info became a public record and was available on the internet, meaning it could be accessed by identity thieves and pedophiles.

Cloaking such information would prevent that from occurring, he said. "While House Bill 8 should calm parent's anxieties about the privacy of their children, more importantly it will protect the privacy of my son and all other children in the state of Ohio."

Written testimony in support was provided by the Buckeye Association of School Administrators and the Ohio Education Association. The committee was also presented with a resolution of support from the Highland Local school board.

HBDISTRACTED DRIVING (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a **95** moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import. (CONTINUED; 1st Hearing-Sponsor)

Rep. Jim Hughes (R-Columbus) said the bill is nearly identical to legislation he sponsored last session, which passed the Senate unanimously (SB146, 131st General Assembly). It creates a secondary offense of distracted driving that can be applied if the officer witnesses the offense during the course of enforcement of a primary offense, such as running a red light.

"In today's world, current technology has aided in the creation of a society that is constantly communicating, whether it be texting, emailing, searching directions, surfing the web or listening to music. The dangers of taking part in these activities while behind the wheel are a harsh reality on our roads," he said.

"With all of these high-tech devices and society wanting to be connected at all times, it's so easy to get distracted when behind the wheel. The Ohio State Highway Patrol reports that there were 13,980 crashes in 2016 that involved distracted driving, resulting in 26 deaths and 4,960 injuries."

Rep. Hughes said the bill is backed by several safety-minded groups and other advocates, and no opponents emerged during testimony on this proposal or his version last session.

Rep. Bill Seitz (R-Cincinnati) stressed the secondary offense aspect of the bill, saying it served as a middle ground that garnered more support.

He likened the approach to the tack-on fines offenders incur while speeding in a construction zone, and noted the bill allows people to avoid the additional \$100 fine by taking a safe driving course.

Chairman Sen. Joe Uecker (R-Loveland) said questions over enforceability had arisen regarding the proposal and asked the sponsors to address that issue. He said he could think of only few circumstances where it would

apply.

Rep. Seitz said it was a matter of the officers observing the offense at the right time. He said he observed numerous people using their smart phones while driving just this morning, adding that if he could see it then it shouldn't be a problem for a well-trained police officer.

SB LICENSE FEES (Williams, S.) To allow a court to authorize completion of a community service program **160** in lieu of payment of driver's license reinstatement fees when the court determines that an offender cannot reasonably pay the fees. (CONTINUED; 1st Hearing-Sponsor)

Sen. Sandra Williams (D-Cleveland) said her measure, recommended by municipal court judges, "would allow a court to authorize completion of a community service program as an alternative means of paying driver's license reinstatement fees when the court determines that an offender cannot reasonably pay the fees. This bill will create another avenue through which citizens can restore their suspended licenses and give compensation to the state."

The sponsor cited statistics showing an increase in the number of license suspensions in the state and said driving under suspension is the top misdemeanor in Cleveland.

"Community service is a mutually beneficial system for the state and the courts working with hundreds of local charitable and governmental agencies," she said. "Community service programs like the Court Community Service have benefitted Ohio communities for decades and are designed to manage an efficient system of quality alternative sentencing that is responsive to the needs of the courts and community."

Sen. Williams said the process of carrying out community service in lieu of payment would require an offender to complete a community service application, demonstrate financial need or unemployment, and be able to perform the community service requirements.

California, Michigan and Vermont have enacted similar laws, the sponsor said. "These legislative changes represent the new approach states are taking to suspended licenses that works to keep offenders accountable and give them a chance to make amends without ending up in a cycle of unpaid fees."

Chairman Uecker asked how the community service would be selected. Sen. Williams said the court sanctions the work, and cited examples of counties where the community service was recommended by probation agencies.

Governor's Appointments: The chairman delayed action until next week on a set of appointments, saying the issue involved scheduling versus any controversies.

Subscribers Note: For full testimony see the [committee's website](#) under Sept. 12.

Judiciary

HB STRUCTURED SETTLEMENTS (Dever, J.) Relative to transfers of structured settlement payment **223** rights. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Jonathan Dever (R-Cincinnati) said the bill would remove dual court approval from the state's structured settlement law, eliminate mandatory independent professional advice, add disclosure of effective annual interest rates, require in-person hearings, clarify standards of review, add disclosure of prior transfers and attempted transfers and clarify impacts of and liabilities for a transfer.

The bill also maintains jurisdiction within the probate division of the Court of Common Pleas.

It says a violation of or failure to comply with the current statute is an unfair or deceptive practice.

The bill is a companion to another piece of legislation in the Senate (**SB 152**).

HBAGGRAVATED MURDER (Greenspan, D.) To provide that purposely causing the death of a first responder or military member is aggravated murder and to require an offender to serve the prison term imposed for felonious assault on a peace officer, investigator, first responder, or military member consecutively to the prison term imposed for any related offense. (CONTINUED; 2nd Hearing-Proponent)

A number of law enforcement and first responders expressed support, including Attorney General Mike DeWine, who said the bill would help prosecutors by increasing penalties for those who commit violence against first responders or military members.

"Every day, men and women across our state commit their lives to arriving first at the scene of an accident or hostile situation," AG DeWine wrote. "I strongly encourage the passage of this legislation and appreciate your attention to this important matter."

U.S. Marshal Peter Elliott, of the Northern District of Ohio, said attacks against law enforcement officers are happening "with alarming frequency."

"We owe it to those who are willing to risk their lives on a daily basis to support legislation such as HB38," he said in prepared testimony. "No first responder should have to worry or wonder whether the call they are responding to is legitimate or is an attempt to lure them to a location. HB38 will protect our first responders and have a positive impact on our profession for generations and generations to come."

Frank Bova, the chief community and safety officer for Cuyahoga County, said raising the offense to a first-degree felony and adding mandatory sentencing will serve as a deterrent and provide peace of mind for first responders.

"Law enforcement officers, first responders and our military members while performing their duties should be protected from being the targets and have the peace of mind to know the legislators and citizens are protecting them, this bill assists in adding another layer of protection," he said.

HBCRIMINAL RECORDS (Barnes, J.) To prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition. (CONTINUED; 2nd Hearing-Proponent)

Earle B. Turner, clerk of the Cleveland Municipal Court, wrote in support of the bill. He said the city can't deny private companies access to the criminal database because of open records laws, so they must pass the records on. Those records deal with the case status at a specific date.

"However, case status can change over time. If any case is sealed, or if some adjustment is made in the record at our office, those changes are not reflected in the record previously sent to a company," he wrote.

Clerk Turner said the bill could offer welcome protections to people who might be vulnerable to the companies that post the information online.

HB MONTH DESIGNATION (Sykes, E., Perales, R.) To designate February as "Teen Dating Violence Awareness Month." (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Emilia Sykes (D-Akron) said making February Teen Dating Violence Awareness Month would help increase the focus on violence in relationships among teenagers. Violence can be physical, sexual, psychological or emotional, she said.

"Violent behavior often begins between the ages of twelve and eighteen, and the severity of violence among intimate partners has been shown to increase if the abuse pattern was established in adolescence," she said.

Rep. Rick Perales (R-Beavercreek) said the issue is often overlooked.

"All forms of dating violence can negatively affect long-term health outcomes of the victims since many victims face depression, anxiety, and can exhibit anti-social behavior, all of which are corollaries with substance abuse," he said.

SB PAULDING COUNTY COURTS (Hite, C.) To create the Paulding County Municipal Court in Paulding on 141 January 1, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2018. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Cliff Hite (R-Findlay) said the bill would abolish the Paulding County Court and create a Paulding County Municipal Court with a full-time judge, instead of a part-time judge.

"The problem this legislation is trying to address is simple-there are simply not enough hours in the day for our judge to attend to all necessary matters, not to mention giving citizens' voices an adequate amount of time to be heard and considered when she is forced to work on only a part time basis," he said. "This part time schedule has created a backlog of hearings often extending weeks and even months ahead."

The expansion of U.S. Route 24, he said, has led to an increase of tickets, accidents and moving violations in the jurisdiction, increasing the workload of the court.

"The court is only in session three days out of the week and simply does not have enough time to process the increased number of cases and related administrative work," he said. "Out of these three days, there is only one available day for jury trials that are already occurring at an increased rate than in previous years."

Chairman Sen. Kevin Bacon (R-Minerva Park) asked about the funding of the court, including what the state's share of funding would be. The sponsor said he would get the answer to the committee.

Sen. Michael Skindell (D-Lakewood) said usually the Ohio Supreme Court will do an analysis of caseloads and make a recommendation. Sen. Hite said the judge has been working on the issue.

SB ELDER FRAUD (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud 158 and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (CONTINUED (See separate story); 2nd Hearing-Proponent)

SB BUSINESS COURTS (LaRose, F.) To create the Joint Committee to Study Ohio Business Courts. 183 (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Frank LaRose (R-Copley) said the bill would create a study committee to look at how Ohio could become a better place to start and develop businesses.

The bill would examine what effect a special court focusing on business issues, such as the Court of Chancery in Delaware, would have in attracting businesses to Ohio.

"This unique court is successful due to the cases they hear and the judges that preside over them," he said. "The judges that sit on the court are business experts with years of experience in corporate law. Due to their background, the judges are better equipped to make rulings in regards to business questions."

The bill would create a study committee of legislators, judges, business leaders and others to examine how the court would benefit the state.

Finance

HB FANTASY CONTESTS (Dever, J., McColley, R.) To grant the Ohio Casino Control Commission the 132 authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws. (CONTINUED (See separate story); 1st Hearing-Sponsor)

HB REVENUE OBLIGATIONS (Blessing, L., Gavarone, T.) To authorize the Treasurer of State to issue **54** revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities. (CONTINUED; 2nd Hearing-Proponent)

Lizz Lewis, director of legislative, policy and constituent affairs for the State Treasurer's Office, said the bill would create a bond bank as a financing vehicle for local governments.

"Rather than directly issuing bonds in the municipal market, a local government obtains a loan from the bond bank secured by a loan agreement," she said.

The bill would allow the state to reduce fees and work for local governments through economies of scale, and by using the experience of the state's debt management department.

Sen. Michael Skindell (D-Lakewood) asked if the bonds from the local governments would be backed by the state's full faith and credit.

Jonathan Azoff, director of debt management for the treasurer's office, said there is language in the bill ensuring they wouldn't be, and that he did not believe Moody's or other rating agencies would consider the bonds in the state's ratings.

Governor's Appointments: The committee voted unanimously to recommend full Senate approval of the following nominees: Alberto Jones, University of Cincinnati Board of Trustees; Alice Stephens, Stark State College of Technology Board of Trustees; Angela Mingo, James Brady and Sean Whalen, State Lottery Commission; Steven Moore and Brett Rappold, Shawnee State University Board of Trustees; Day'Shawn Jones, Central State University Board of Trustees; F. Patrick D'Eramo, Hedyeh Elahinia and Patrick Kenney, University of Toledo Board of Trustees; Robert Hankins, Jon Holt and James Dicke, Ohio Arts Council; Jessica Peck, Kent State University Board of Trustees; Joshua Thomas, University of Akron Board of Trustees; Kyle Johnson, Bowling Green State University Board of Trustees; Nygeria Hicks, Central State University Board of Trustees; Stephanie Green, Wright State University Board of Trustees.

Health, Human Services & Medicaid

SB ABORTION (LaRose, F.) To prohibit a person from performing, inducing, or attempting to perform or **164** induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome. (CONTINUED (See separate story); 3rd Hearing-Opponent)

SB OUTDOOR DINING (Coley, B.) To generally allow an owner, keeper, or harbinger of a dog to take the dog **182** in an outdoor dining area of a retail food establishment or food service operation. (CONTINUED; 1st Hearing-Sponsor)

Sen. Bill Coley (R-Liberty Twp.) said the bill is in response to local health departments banning dogs from restaurant and bar patios - a move that isn't in line with business interests or the intent of state code.

"I have heard first hand from restaurant owners across the state that would like to explore this option," said the sponsor, who often has his two dogs in tow while traveling. "Additionally, patrons can decide for themselves, using their hard-earned money, whether they want to eat at a restaurant where dogs are permitted on the patio."

In response to questions from Sen. Edna Brown (D-Toledo), who said she is "terrified" of dogs, Sen. Coley said dogs would not be permitted to go through an indoor space to get to a patio.

He told her he wouldn't support including a provision that would require restaurant owners to remove pets from patios if a patron complained of allergies to dogs.

"I don't think we want to put in revised code the ability to force everyone to comply with my rather unique circumstances," Sen. Coley said, referring to allergies.

Answering additional questions from the patio, he said the legislation would not require restaurant owners to allow pets on their patios and would not require them to post signs stating their policies.

Government Oversight & Reform

SJR CONSTITUTIONAL AMENDMENTS (Huffman, M.) Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress. (CONTINUED; 5th Hearing-All testimony)

Ellen Horton, a retired teacher, said she was concerned about Ohio joining the move to call for a convention to amend the U.S. Constitution. An Article V convention, she said, would be an unnecessary risk. It doesn't specify a method for selecting delegates, and allows Congress to set the agenda.

She said the Congress already has a mandate for a balanced budget, and that they do not follow it, and there is no reason to believe they would follow one after a convention.

Chuck Michaelis, vice president of the Institute for Principled Policy, said the original constitutional convention was initially called by the states to do only limited changes to the Articles of Confederation, and that the strongly worded resolutions of the state did not stop the convention from creating an entirely new constitution.

"The ratification and amendment procedure was done 27 times, and there's no reason why it can't work again," he said.

Chairman Sen. Bill Coley (R-Liberty Twp.) asked why now would not be the time to call a convention, with the national debt at \$20 trillion and the federal government requiring people to buy health insurance.

Mr. Michaelis said the Constitution already restricts federal power, but it is not enforced.

The committee also heard from former U.S. Sen. Jim DeMint, of South Carolina, who spoke in support of the resolution. He said a convention to amend the Constitution would allow the states to ensure the original intent of the document was followed. Mr. DeMint also testified on companion legislation in the House Tuesday (*See separate story*)

"They are no longer structurally capable in Washington of stopping spending or the expansion of power," he said. "Unless states act, the only way Washington is going to stop spending is with some type of cataclysmic economic meltdown."

Sen. Coley asked if he saw a possibility for the federal government to rein in some of its spending and power if the states get close to approving a convention.

"As states discuss federalism and discuss this idea, they will insist on more of their own control," Mr. DeMint said.

HB REAL ESTATE APPRAISERS (Dever, J.) To change the definition of "appraisal" for purposes of the Real Estate Appraiser Licensing Law, to make changes to certain procedures and the exceptions to licensure under that law, to regulate appraisal management companies, and to declare an emergency. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Jonathan Dever (R-Cincinnati) said the bill would establish licensing requirements for appraisal management companies and bring Ohio into compliance with federal regulations.

Appraisal management companies, he said, are third-party companies hired by lenders to work with appraisers on residential properties, serving functions that used to be done by the lending institutions themselves.

Rep. Dever said the bill would safeguard appraiser independence and protect against fraud, provide quality assurance to consumers, lenders and the secondary market, and protect public safety through background checks.

The sponsor said the state needs to act within the timeframe allowed by federal law or it could jeopardize federally subsidized home mortgages.

"We are up against the timeline here, this is something that needs to get done this fall," he said.

HB GOVERNMENT CONTRACTING (Cupp, R.) To abolish the Government Contracting Advisory Council. (CONTINUED (No testimony); 3rd Hearing-All testimony)

SB LEGAL MATERIALS (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act. 139 (CONTINUED (No testimony); 3rd Hearing-All testimony)


SB COUNTY INVESTMENTS (Wilson, S.) To modify the qualifications regarding notes eligible for investment of county inactive moneys. (CONTINUED (No testimony); 3rd Hearing-All testimony)

Subscribers Note: Full testimony is available on the [committee's website](#) under Sept. 12.

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Click the  after a bill number to create a saved search and email alert for that bill.

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GONGWER Ohio
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Daily Activity Planner for Wednesday, September 13

Legislative Committees

House Health (*Committee Record*) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

HBAWARENESS MONTH (Huffman, S.) To designate the month of January as "Blood Donor Awareness 252Month." (2nd Hearing-Proponent & opponent-Possible vote)

HBCONTROLLED SUBSTANCES (Ginter, T., Sprague, R.) To require pharmacists to offer to dispense 231controlled substances in lockable or tamper-evident containers. (3rd Hearing-Opponent)

HBABORTION (LaTourette, S., Merrin, D.) To prohibit a person from performing, inducing, or attempting to 214perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome. (1st Hearing-Sponsor)

HBDENTISTRY (Gavarone, T., DeVitis, T.) To authorize the provision of dental services through teledentistry, 184to require a proposal for creation of a primary care dental student component of the Choose Ohio First Scholarship Program, and to make other changes to the laws governing the practices of dentistry and dental hygiene. (4th Hearing-All testimony-Possible amendments & vote)

HBAWARENESS MONTH (Patterson, J.) To designate the month of June as "Alzheimer's and Brain 244Awareness Month." (1st Hearing-All testimony-Possible vote)

House Transportation & Public Safety (*Committee Record*) (Chr. Green, D., 644-6034), Rm. 017, 9 a.m.

HBLICENSE PLATE DISPLAY (DeVitis, T.) To specify that failure to display a license plate on the front of a 71 motor vehicle that is required to display a front license plate is a secondary traffic offense and to establish a maximum fine of \$100 for such an offense. (4th Hearing-Interested party)

HBLICENSE PLATES (Henne, M.) To authorize the owner or operator of a specialty kit car to display a 188license plate only on the rear of the car if the owner or operator pays a \$150 fee. (3rd Hearing-Opponent)

HBAIR COMMISSION (Barnes, J.) To create the Commercial Airline and Air Freight Commission. (3rd 206Hearing-Opponent)

HB TOWNSHIP OFFICERS (Hambley, S.) To authorize a township officer who serves a population of greater 255than 5,000 to make arrests for specified traffic offenses on interstate highways within and adjacent to the officer's territory and to prohibit townships from using traffic law photo-monitoring devices on interstate highways. (2nd Hearing-Proponent)

HBROAD NAMING (Green, D.) To designate a portion of U.S. Route 68 in Brown County as the "Army 257Specialist David Lee Bingamon Memorial Highway." (1st Hearing-All testimony-Possible vote)

HBDRIVING PRIVILEGES (Butler, J., Sykes, E.) To require a court to grant limited driving privileges to a 260person in relation to a driver's license suspension under certain circumstances. (1st Hearing-Sponsor)

HBLICENSE PLATE (Anielski, M., Roegner, K.) To create the Walsh Jesuit license plate. (1st Hearing-All 261testimony-Possible vote)

HBLICENSE PLATE (Roegner, K.) To create the "Twinsburg City Schools" license plate. (1st Hearing-All

266testimony-Possible vote)

House Government Accountability & Oversight (*Committee Record*) (Chr. Blessing, L., 466-9091), Rm. 114, 9:30 a.m.

HB FIREWORKS (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make **226** recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (5th Hearing-Possible amendments & vote)

House Insurance (*Committee Record*) (Chr. Brinkman, T., 644-6886), Rm. 116, 10 a.m.

HB VISION CARE INSURANCE (Schuring, K.) Regarding limitations imposed by health insurers on vision **156** care services. (2nd Hearing-Proponent)

HB WORKERS COMPENSATION (Henne, M.) To make changes to the Workers' Compensation Law with **268** respect to self-insuring employers. (1st Hearing-Sponsor)

HB WORKERS COMPENSATION (Henne, M.) To rename the entities who carry out workers' compensation **269** functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits. (1st Hearing-Sponsor)

House Higher Education & Workforce Development (*Committee Record*) (Chr. Duffey, M., 644-6030), Rm. 115, 11 a.m.

HB WORKFORCE DEVELOPMENT (Reineke, B., Cupp, R.) To revise the laws governing the state's **166** workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. (4th Hearing-All testimony-Possible substitute & vote)

SB WORKFORCE DEVELOPMENT (Beagle, B., Balderson, T.) To revise the laws governing the state's **3** workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. (4th Hearing-All testimony-Possible substitute & vote)

House Session (*Committee Record*) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

House Civil Justice (*Committee Record*) (Chr. Butler, J., 644-6008), Rm. 122, 2:30 p.m. or after session

HB POLITICAL SUBDIVISION LIABILITY (Ingram, C.) To eliminate certain defenses to political **267** subdivision liability for an employee's negligent operation of a motor vehicle and to reduce damages recoverable against a political subdivision in such actions by the contributory fault of the plaintiff or other parties. (1st Hearing-Sponsor)

HB ACCESSIBILITY LAWS (McColley, R., Rezabek, J.) To authorize an alleged aggrieved party to provide a **271** notice of an alleged accessibility law violation in advance of filing a civil action and to establish the circumstances under which an alleged aggrieved party is entitled to attorney's fees in a civil action based on the violation. (1st Hearing-Sponsor)

House Armed Services, Veterans Affairs & Homeland Security (*Committee Record*) (Chr. Johnson, T., 466-2124), Rm. 116, 4 p.m.

HBVETERANS WAIVER (Retherford, W., Brenner, A.) To establish the Veterans Fee Waiver Program. (1st **238**Hearing-Sponsor)

HBPOW/MIA FLAG (Wiggam, S.) To enact the POW/MIA Remembrance Act requiring the POW/MIA flag **254**to be displayed at certain buildings operated by the state on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans' Day. (1st Hearing-Sponsor)

Agency Calendar

Southern Ohio Agricultural & Community Development Foundation, Foundation Office, 100 S. High Street, Hillsboro, 9 a.m. (Agriculture Development Committee)

State Medical Board, 3rd Fl., 30 E. Broad St., Columbus, 9:45 a.m. (Committee meetings begin at 7:30 a.m.)

Petroleum Underground Storage Tank Release Compensation Board, Suite 1500, 50 W. Broad St., Columbus, 10 a.m.

Board of Building Appeals, 6606 Tussing Road, Training Room 1, Reynoldsburg, 12:30 p.m.

BWC Board of Directors, Rm. 2, Level 2, 30 W. Spring St., Columbus, 1:30 p.m. (Pharmacy & Therapeutics Committee)

Event Planner

Rep. Jonathan Dever (R-Cincinnati) fundraiser, deNOVO, 150 S. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Jonathan Dever)

Rep. Mark Romanchuk (R-Mansfield) & Rep. Scott Wiggam (R-Wooster) fundraiser, Little Palace, 240 S. 4th Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Romanchuk for State Rep and/or Committee for Wiggam)

Rep. Jim Hughes (R-Columbus) fundraiser, Plank's Café, 743 Parsons Avenue, Columbus, 5 p.m., (Platinum Level - \$2,500; Gold Level - \$1,500; Silver Level - \$1,000; Bronze - \$500 or \$350 per person to Committee for Jim Hughes)

Ohio House Democratic Caucus welcome reception, Dempsey's Food & Spirits, 346 S. High Street, Columbus, 5:30 p.m.

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GONGWER Ohio

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Volume #86, Report #176 -- Tuesday, September 12, 2017

High Court Hears Oral Arguments In Abortion Clinic Transfer Agreement Case

The fate of Toledo's only remaining abortion clinic could hinge on what a majority of Ohio Supreme Court justices deem to be "local."

Attorney Stephen P. Carney, representing the state, was asked several times Tuesday about the decision to shutter Capital Care Network of Toledo after the center was determined to have violated state law because a patient transfer agreement it had inked with an Ann Arbor hospital was not deemed to be "local."

Mr. Carney said a 30-minute standard was used to determine that the abortion clinic's agreement with a hospital that was 52 miles away did not comply with state law and regulations.

But Justice Terrence O'Donnell questioned whether the rule specifically mentions "local."

Mr. Carney said there is no mention of the word in the rule. However, he said it specifically cites cases of emergency.

"You can't say that there's no geographical requirement at all to the rule, because then it wouldn't be safe for emergencies," he said.

Chief Justice Maureen O'Connor asked if the 30-minute standard is explicitly laid out in either the statute or rule.

The standard was developed by the former director of the Department of Health, Mr. Carney said. He added that part of the rationale was that residents who are on call are required to be within 30 minutes of a facility.

"I would presume the resident is not being transported by an ambulance," Chief Justice O'Connor responded.

Mr. Carney also sought to refute the abortion clinic's claim that the law, which was included in the in the 2014-15 state budget (HB59 130th General Assembly), violates the single-subject rule.

"It's not just about dollars alone. It's about operations of state government," he said.

The state's attorney also told the justices that undue burden, a standard created by the U.S. Supreme Court in the case of *Planned Parenthood v. Casey*, is not at issue in the case because it was not raised by the clinic at the trial court or appellate court level.

"They deliberately decided not to raise undue burden, and we should hold them to that," he said.

However, Chief Justice O'Connor noted that the issue was raised in the decisions of the trial court and appellate court, both of which sided with the clinic, which has remained open.

"What's the alternative for women in this area?" she asked.

Mr. Carney said Toledo-area women seeking abortion services would likely have to travel to Ann Arbor or Detroit.

Attorney Jennifer L. Branch, representing the clinic, urged the justices to uphold the lower court decisions, saying the undue burden issue is fair game. Because upholding the law would likely require Toledo-area women seeking an abortion to make two round trips to Ann Arbor, Detroit or Cleveland, it does place an undue burden on them, and could lead to unlawful abortions, she said.

"Before *Roe v. Wade*, women died from unlawful abortions," Ms. Branch said.

Justice Patrick Fischer circled back to the single-subject argument, questioning what in the record shows "a manifestly gross or fraudulent violation."

Ms. Branch said slipping the provision into a 2,700-page bill with "no debate, discussion or transparency" is emblematic of "evils the Ohio Constitution found needed to be avoided."

"I think it's very clear, and the state doesn't dispute that, the local transfer agreement has nothing to do with the bill," she said.

Ms. Branch pointed out that the clinic at one point had a written transfer agreement with a University of Toledo hospital before lawmakers precluded public facilities from signing such agreements.

That led Chief Justice O'Connor to question whether any other surgical facilities are precluded from entering into written transfer agreements with public hospitals.

Only abortion clinics are excluded, Ms. Branch said.

During his rebuttal, Mr. Carney was asked by Chief Justice O'Connor about the state's rationale for such a narrow restriction.

"The U.S. Supreme Court has said that public hospitals are different," he said.

The case stirred controversy after Justice Sharon Kennedy spoke at a Greater Toledo Right to Life event in March. That led NARAL Pro-Choice Ohio and Ms. Branch to unsuccessfully call on her to recuse herself in the case.

ProgressOhio also filed an ethics complaint against Justice Kennedy that was dismissed.

Groups Voice Support For Elder Fraud Bill Before Senate Committee

Representatives from nursing facilities, the banking industry and county job and family services departments all expressed support Tuesday for a bill aimed at fighting elder fraud.

The legislation ([SB 158](#)) would add more professionals, including bankers, to the list of people who are mandatory reporters for suspected fraud against older Ohioans. It would also levy fines that go to counties to promote adult protective services.

Supporters told the Senate Judiciary Committee that the bill would be a step toward combating an issue that is often not reported.

Nisha Hammel, director of advocacy for LeadingAge Ohio, said elder abuse is vastly underreported, in part because it is often committed by family members and care providers. Victims can also be ashamed of being exploited, and some who are exploited might not be aware of it due to memory loss or other cognitive impairments.

"Financial exploitation is particularly harmful to seniors, because it depletes them of limited resources at a time in their lives when they are most reliant on fixed income sources and are least able to replenish savings through employment wages," she said. "This has a direct impact on state Medicaid rolls, speeding the exhaustion of personal assets and expediting Medicaid enrollment."

LeadingAge supported the bill as a multi-pronged approach to fighting elder abuse, she said. It meets that description by increasing public awareness, imposing higher penalties, increasing professional education, expanding the pool of mandatory reporters and using fines to fund programs to combat the problem.

"We are particularly supportive of this bill's reach beyond the traditional helping professions-health care providers such as nurses and social workers-- to incorporate the strengths of financial planners, banking professionals and others," Ms. Hammel said.

Sen. Bill Coley (R-Liberty Twp.) said he was concerned about unintended consequences. He said he wanted to ensure there wouldn't be civil liability for bankers and other reporters.

Ms. Hammel said the bill says there would be no liability unless there was malicious intent in not reporting it.

Sen. Coley said that language could still lead to unnecessary lawsuits.

"I think we want to make it clear that these entities are encouraged to report but we would create no civil liability," he said.

Dustin Holfinger, vice president of state government relations for the Ohio Bankers League, said the bill would help address a form of fraud that is underreported in Ohio.

"The Ohio Bankers League believes that Senate Bill 158 will protect Ohio's elderly in the multi-faceted way that is required," he said. "By requiring vetted best practices and standards and increasing the opportunity for collaboration between the departments of job and family services, adult protective service agencies and other financial institution trade organizations, Senate Bill 158 will help facilitate the required ongoing education that is necessary for our employees to proactively protect the elderly in our community."

Developing relationships between financial institutions, law enforcement and adult protective services will improve the detection and prosecution of elder fraud, Mr. Holfinger added.

Sen. Scott Oelslager (R-N. Canton) suggested the best practices could be done through the rulemaking process.

Mr. Holfinger said many of the best practices are already in development right now.

"Through the rules process is probably not a bad idea, that way it's more easily implemented across the state," he said.

Joel Potts, executive director of the Ohio Job and Family Services Directors' Association, said the exploitation of seniors is also rising as a result of the opioid epidemic.

The bill acknowledges that the adult protective services system is underfunded, he said. Many counties don't have the funding to provide one full-time adult protective services employee.

"This legislation's going to help us in a lot of ways," he said. "It's going to update the laws on exploitation, which we need to do. It's going to increase awareness. It's going to increase collaboration."

Restrictions On Employer-Mandated Flu Vaccines Move Forward

A House panel on Tuesday reported a bill that protects employees who refuse employer-mandated flu vaccinations, but only after adopting a compromise amendment from Rep. Dave Greenspan.

The discussion took place during the bill's (HB 293) fourth hearing before the House Economic Development, Commerce & Labor Committee, shortly before members voted 8-5 to report it.

Rep. Greenspan (R-Westlake) said the amendment preserves the bill's language prohibiting an employer from terminating an employee who opts not to receive a vaccination. But it also enables employers to create a "reasonable alternative policy" to protect the workplace in that event.

"Obviously there are two sides to every issue - two very passionate sides," Rep. Greenspan said. "We tried to identify a balance, a practical compromise."

Specifically, the change states: "An employer may require an employee who has not been or will not be vaccinated against influenza to comply with a reasonable alternative policy adopted by the employer to protect health and safety in the workplace."

Rep. Christina Hagan (R-Alliance), who sponsored the legislation, said she supported the new language and that even the bill's staunchest supporters found it a "reasonable accommodation."

Responding to a question from Rep. Ron Hood (R-Ashville), Rep. Greenspan said the language was left intentionally vague at the request of employers who are seeking flexibility in establishing those alternative policies.

The committee also adopted an amendment from Rep. Thomas West (D-Canton) that includes language stating the bill's provisions only apply to the influenza vaccine and not to other diseases until such a change is backed by "overwhelmingly scientific consensus."

Rep. Hagan told the committee that although she viewed the language as duplicative, she did not oppose it since it won't change the substance of the bill.

Other Democratic members attempted to offer three other amendments, only to be ruled out of order by Chairman Rep. Ron Young (R-Leroy). That's because their language impacted provisions that had already amended by Rep. Greenspan.

Several proponents and opponents submitted written testimony. Several groups, including the Ohio Hospital Association, the Children's Hospital Association, the Ohio State Medical Association, the Ohio Chapter of the American Academy of Pediatrics and the Ohio Chamber of Commerce, submitted joint opponent testimony.

The bill, they argued, would not only drive up healthcare costs but place older adults, pregnant women and very young children at risk of serious flu-related complications.

"We appreciate the efforts of the committee to consider amendments that would provide additional options for employers," the groups wrote. "However, we remain concerned that the legislation does not provide sufficient flexibility for hospitals and physicians. It is of utmost importance that hospitals and health care providers have the ability to manage their facilities and practices the way they feel is best to protect health and safety."

Although proponents said research shows flu vaccinations are "effective and safe," opponents argued that forcing employees to receive them is a violation of medical rights.

Jane Orient, executive director of the Association of American Physicians and Surgeons Inc., wrote that employer-mandated influenza vaccinations are a "direct violation" of an employee's right to informed medical consent.

"The patient's right of informed consent, which includes the right to withhold consent, is an essential civil liberty," she testified. "When government or another entity is allowed to dictate medical decisions for us, we in essence surrender our human rights. That can easily lead to a slippery slope for humanity."

Subscribers Note: For full testimony see the [committee's website](#) under Sept. 12.

Opponents: Abortion Bill Would Hinder Patient-Doctor Relationships

Physicians and medical students on Tuesday spoke out against a bill banning abortions based on Down syndrome diagnoses, saying it would jeopardize their relationships with patients.

That's because the measure (SB 164) would penalize physicians who provide abortions to women who had knowledge of Down syndrome diagnoses, they told the Senate Health, Human Services & Medicaid Committee. Physicians could be charged with a fourth-degree felony and lose their license under the bill.

Parvaneh Nouri, a third-year medical student and masters of public health student at Wright State University, said the bill wouldn't likely stop abortions, but would simply result in fewer women confiding in their doctors.

"Bills like SB164 criminalize physicians by instituting a grossly inappropriate intrusion of the doctor-patient relationship," she said.

"It destroys the trust of our patients for which we have worked tirelessly over generations of physicians to cultivate and continuously strive to preserve. While this bill would criminalize an abortion provider, a small subset of practicing physicians, it would attack the binding fellowship of all physicians."

Supporters urged lawmakers to approve the bill last month. (See [Gongwer Ohio Report, August 22, 2017](#))

Not only will withholding information from doctors result in diminished care, said Erika Boothman, a physician resident specializing in obstetrics and gynecology, but it could also mean fewer women are able to work through a Down syndrome diagnosis with a trusted professional.

"I want to practice obstetrics and gynecology in a state in which my patients are permitted to communicate openly with me," she said. "If this bill passes, my patients will likely feel less comfortable discussing the complications of Down syndrome with me for fear of legal recourse if they do eventually choose termination. Patients with high risk pregnancies and fetal anomalies need more support and counseling, not less."

Countering arguments made previously by proponents of the measure, Ms. Boothman added that her training called for non-directive and informative counseling when addressing genetically abnormal pregnancies - never coercion to terminate.

Answering questions from the committee, she said women are less likely to pursue genetic testing, which can take place at about 10 weeks into pregnancy, if they're planning to seek an abortion.

Kellie Copeland, executive director of NARAL Pro-Choice Ohio, questioned how a court would be able to prove that a doctor or patient had knowledge of a Down syndrome diagnosis before respectively performing or seeking an abortion.

There are many reasons women chose to seek abortions, she said, and learning that they'll have a child with disabilities makes the decision process even more complex.

Those who receive a Down syndrome diagnosis will have to consider whether they have appropriate support systems, adequate access to health care, financial means to care for a child with disabilities, and access to specialists and schooling options for a disabled child, Ms. Copeland said.

"Does this legislation help address any of these issues? No, it does not," she said, pointing out that Ohio lawmakers have long sought to reverse Medicaid expansion that could be useful to mothers of disabled children.

She said the outlook for mothers of children with Down syndrome in Ohio is also grim because 45.9% don't have paid leave to care for children and the Ohio Coalition for the Education of Children with Disabilities has determined that special education funding is \$210 million dollars short of what is needed.

"During a pregnancy, a woman can be faced with many deeply personal and often complex decisions," Ms. Copeland said. "Ultimately, decisions about whether to choose adoption, end a pregnancy, or raise a child must be left to the woman and the counsel of those she trusts--her family, her health care provider, and her faith community--not the legislature."

The committee also heard from Susan K. Smith, vice chair of the Ohio Religious Coalition for Reproductive Choice, and ACLU of Ohio lobbyist Gary Daniels. Both opposed the measure.

Subscribers Note: Full testimony is available on the committee's [website](#) under Sept. 12.

Lawmaker Pushes Submetering Regulation Bill, Slams PUCO Approach

Rep. Mike Duffey urged members of the House Public Utilities Committee Tuesday to support his bill on submetering company oversight while labeling the Public Utilities Commission's recent rulings on the matter "ham-handed."

The bill ([HB 249](#)) is one of two legislative efforts ([SB 157](#)) that seeks to rein in submetering companies - entities like landlords serving as middlemen between residents and utility providers that critics slam for charging rates above those of traditional utilities.

The Worthington Republican said during the bill's first hearing that he believes this proposal is the only one pending that would accomplish granting renters or those living in condominiums the same protections enjoyed by owners of single-family homes. (See [Gongwer Ohio Report, June 28, 2017](#))

Rep. Duffey told committee members that the PUCO has signaled to him in conversations that it would embrace broader authority to protect consumers in this realm. The alternative, he said, would leave regulation up to home rule, ushering in a patchwork of varying regulation across the state.

"I think we want uniform standards applied statewide that are fair and consistent," Rep. Duffey said. "That's what this legislation does. It puts to rest the argument about who has jurisdiction by saying, essentially: 'PUCO, you definitely have jurisdiction.'"

The bill would require the PUCO to within one year adopt rules that: ensure pricing does not exceed those of a direct utility, protect consumers to the same degree as customers of a direct utility, and require common area charges to be included in rent rather than utilities since a customer has no control over them.

"If these standards are met, then I believe we may be much closer to a fair situation," Rep. Duffey said. "And we will have done so without banning submetering if it is the desire of the legislature to keep this industry in business."

He argued the role of ensuring consumer protections should fall to lawmakers and that he "can't trust the PUCO" in the matter. When Rep. John Rogers (D-Mentor-on-the-Lake) sought clarification on that statement, the sponsor replied that the PUCO has no statutory timeline in which it must resolve cases.

"That can be prejudicial for plaintiffs because if you bring a case (to the PUCO) you cannot appeal to a court unless they rule," he said. "That effectively blocks all appeals and makes them judge and jury and Supreme Court."

The PUCO in June established a zero-threshold rule in which the commission can regulate submeterers on a case-by-case basis if they are charging more than what a regulated utility would charge. (See [Gongwer Ohio Report, June 21, 2017](#))

But Rep. Duffey called that ruling "ham-handed" in that it allows submeterers to continue charging up to that threshold and said submetering arguably could already be viewed as illegal if not for PUCO rulings to the contrary.

Rep. Duffey also shared with the committee his Sept. 4 letter to PUCO Chairman Asim Haque questioning whether the PUCO's recent rulings on submetering failed to adhere to Revise Code by circumventing the Joint Committee on Agency Rule Review process. In the letter, Rep. Duffey informed Mr. Haque he may call members of the PUCO to testify on the matter.

PUCO spokesman Matt Schilling said the commission had only recently received the letter from Rep. Duffey, who chairs JCARR, and has not yet responded. He added that the submetering case is still pending a rehearing, meaning the discussion at the commission level is not yet over. (See Gongwer Ohio Report, August 16, 2017)

Along with his testimony, Rep. Duffey also shared with the committee an analysis he requested from the Legislative Service Commission examining the rates of submeterer Nationwide Energy Partners with those of AEP Ohio.

It was NEP's operations - and an NEP customer's complaint - that kicked off the PUCO investigation that ultimately led to the recent rulings. NEP CEO Gary Morsches had previously contended the company's rates are equivalent to its regulated counterparts. (See Gongwer Ohio Report, June 22, 2017)

But the LSC study, drawing comparison between seven bills, found that all seven showed NEP's charges exceeded those of AEP's for the same amount of metered usage by between \$4.50 and \$38.08 per month.

NEP did not respond to a phone call or email requesting comment, but the LSC analysis notes that the company "told LSC that charges for common area electricity are reflected in customers' bills, though they are not categorized as metered usage. Consequently, the company does not regard a comparison with residential rates for the same amount of metered usage as stated on the end user's bill as a true apples-to-apples comparison."

Given that, LSC urges the comparison to be viewed "with caution," but when LSC requested NEP provide an apples-to-apples comparison, LSC wrote, NEP "did not provide the requested information."

Ohio Consumers' Counsel Bruce Weston, in a statement, applauded Rep. Duffey's proposal. The OCC has opposed the Senate bill, arguing it doesn't go far enough in protecting customers.

"House Bill 249 would provide long-needed protections for those Ohioans buying utility services from middlemen who resell the local utility's service," Mr. Weston said. "The bill could safeguard these consumers against paying higher charges with fewer benefits for utility service, compared to consumers who can purchase service directly from the utility. Ohio consumers would benefit from passage of this legislation."

House Committee Continues Focus On Gun Bills

A House panel reviewing three gun measures moved closer Tuesday to advancing a controversial bill on alerting police officers to the presence of guns during traffic stops.

The legislation (HB 142) was originally intended to eliminate the requirement that concealed handgun licensees notify law enforcement of their status during traffic stops.

But a substitute version of the measure offered by Rep. Glenn Holmes (D-McDonald) and adopted by the House Federalism & Interstate Relations Committee modifies the notification requirement. Under the change, a stopped motorist with a concealed handgun must provide the disclosure when asked for a driver's license or state identification card. (Comp Doc)

The bill had come under fire from law enforcement officials who warned that it could place officers in danger. (See Gongwer Ohio Report, May 23, 2017)

The original version of the bill also sought to remove any criminal penalties for failure to comply with the notification requirement. The substitute version, however, caps the fine for failure to comply at \$25 and removes the possibility of having a concealed handgun license suspended for failure to comply.

Rep. David Leland (D-Columbus) questioned the deterrence effect a \$25 fine would have on individuals.

"I think \$25 is a big deal. I think it is a penalty," sponsoring Rep. Scott Wiggam (R-Wooster) said, adding that the current penalty is a fine of up to \$1,000 and six months in jail, which he called "draconian."

The changes were not enough to get the Buckeye State Sheriffs' Association on board. The group remains neutral on the bill, but in a letter to Rep. Kirk Schuring (R-Canton), Executive Director Robert Cornwell said the changes create for license holders "a clear line of distinction as to when they are required to notify the law enforcement officer that they are a licensee."

"This clarification will benefit all those concerned," he wrote.

The Buckeye Firearms Association gave the substitute bill its blessing, writing that the measure is "good legislation which solved problems which have existed since the first days of concealed carry in Ohio."

"It is good public policy which eliminates vagueness and protects both license holders and law enforcement," BFA's James Irvine wrote.

Chair Rep. Kristina Roegner (R-Hudson) said she expects to vote on the bill at the committee's next meeting.

The panel also unanimously voted to move a bill (HB 79) to provide firearms training to tactical medical professionals and allow them to carry firearms while on duty.

John Gilchrist, legislative counsel for the Ohio Association of Police Chiefs, laid out three reasons for opposing the measure. He said the bill should be amended to clarify that a tactical medical professional can only go armed when providing medical or nursing assistance when requested by law enforcement officials. He also called for language to clarify that they will not be performing law enforcement activities.

Mr. Gilchrist also requested that language be added to ensure that tactical medical professionals do not have the authority to carry in their capacity as an EMT, nurse, physician or civilian without a concealed handgun license.

A third gun-related bill received its first hearing. Sponsored by Rep. Larry Householder (R-Glenford) and Rep. Laura Lanese (R-Grove City), the bill (HB 253) would allow law enforcement officers to carry firearms while off duty in places otherwise prohibited for handgun licensees.

Rep. Householder said the bill would allow law enforcement officers to carry in places such as courthouses, school safety zones, churches and government buildings.

"Unfortunately, it is not difficult to recall tragedies in each of these 'gun-free zones.' The more trained men and women in this country protecting us, the better," he said.

Rep. Lanese said the bill has the potential to stop mass casualty events.

"Unfortunately, we know that active shooter and other violent criminals can attack anywhere and anytime. Recently, we've seen them in our churches, at our universities and in our restaurants. When seconds matter it is important that highly-trained, highly-vetted law enforcement officials be able to protect Ohio citizens without regard to arbitrary restrictions," she said.

Rep. Leland said he has concerns that the legislation will infringe on private property rights.

"We trust these people every single day to go into these stores and go into these areas that are gun-free while they are on duty," Rep. Householder said.

Rep. Leland also questioned language in the bill that refers to peace officers, saying that would include officials with the Department of Natural Resources, the Department of Taxation and others that are not widely thought of as law enforcement officials.

Rep. Householder said the measure is designed to impact all those that carry a firearm as part of their daily jobs.

Bill Would Create Multi-State Compact Focused On Curing Diseases

One state representative is proposing a model he believes could shift incentives in health research away from finding treatments for diseases and toward finding cures.

Rep. Jim Butler (R-Oakwood) said Tuesday his bill would make Ohio the first in a multi-state compact that would offer prizes for anyone who develops a cure for certain major diseases, such as cancers, Alzheimer's disease, multiple sclerosis and major depressive disorder.

The prizes would be substantial - potentially in the tens of billions of dollars - and calculated as the savings for the states in the compact over five years from not having to deal with the costs of the disease.

"This bill could save lives. It could prevent pain and suffering that happens to millions of people. It could control health care costs," Rep. Butler said at a Statehouse news conference. "Most of all, this bill could really make a difference."

Rep. Butler said the goal is to create a financial incentive for finding disease cures. At the moment, the pharmaceutical industry is geared toward finding treatments that can pay for the research over the long term. A cure, he said, is only good for the short term - after that, there's no more disease to treat.

"If we have a cure, over a short period of time, it's nearly impossible to charge enough to recoup the money for research," he said.

Creating a large prize could encourage more research by creating a financial incentive. Rep. Butler said venture capital firms and other private investors would be more willing to take a chance on research that could find a cure if they knew there was a possibility of a very large return on the horizon.

Speaker Cliff Rosenberger (R-Clarksville) and other members of the House Republican leadership expressed support for the proposal.

"The cure bill creates a new innovative model that could drastically increase the financial incentives for companies by creating this multi-state compact," Speaker Rosenberger said.

Once six states join the compact, they would create a commission that would establish prizes for at least 10 major diseases. They would award the prizes once a cure is established that has a 95% five-year survival rate.

The cure must also involve less than one year of treatment. It can be a vaccine, gene therapy or any other form of treatment, but it has to be permanent, Rep. Butler said.

The compact would pay out the prize at once by getting a loan, and member states would pay the loan back with their savings over the next five years.

The rights to the cure would transfer to the compact upon the prize being awarded, he said, and the compact could then sell it to other states and other countries, paying off the interest on the loan along with administrative and actuarial costs.

"In the event that a prize is claimed, then the rights would go to the compact, who would then contract with a manufacturer to get the cure out there and sell it to the entire world," Rep. Butler said.

Rep. Bill Seitz (R-Cincinnati), the House majority leader, said he's been working with Rep. Butler on the bill for years.

"The idea of a royalty-free license to the compacting states to market this cure across the entire world will be a very significant source of revenue for the compact and hopefully lead others to do big things," he said.

Education Panel Examines Teaching Strategies Focused On Self-Regulation, Social-Emotional Learning

Ensuring students are prepared to learn when they enter the classroom results in better academic outcomes as well as improved job satisfaction for teachers, experts told the Joint Education Oversight Committee on Tuesday.

Panel members learned about the PAX Good Behavior Game as well as the Neurosequential Model in Education and the Mayerson Academy's Thriving Learning Communities curriculum during a meeting in Columbus.

All three initiatives focus on social-emotional development and can be used to improve outcomes for students who have experienced trauma or are facing challenges outside school that hinder learning.

PAX, which is rooted in research-based strategies that teach self-regulation, has been a topic of discussion for a handful of education-related task forces and committees in recent years.

Anya Senetra, supervisor for the Greene County Educational Service Center's school-based mental health program, said more than 4,000 K-5 teachers have been trained to use PAX in their classrooms.

The goal of PAX is to create safe learning spaces for children that promoting practice of self-regulation and rewards for pro-social behavior, she said. Instead of punishing students, the focus is on error correction.

"Children have to understand what are the expectations. They have to understand what does it look like to behave in classroom and articulate their own needs," Ms. Senetra said.

Students who are learning in PAX classrooms have higher academic achievement because they're more engaged, she said, pointing to state testing results that show increased math and reading scores in high-poverty schools that used the good behavior game.

Through PAX, students can become more efficient at transitioning between rewards and school work and learn to positively influence on another, Ms. Senetra said.

Sen. Peggy Lehner (R-Kettering) said she's seen the positive impacts of PAX first hand in her school districts.

"This really works and when you see it in the classroom, it's amazing," she said.

The program is universal and can be applied to all students, regardless of what baggage they bring to the classroom, Ms. Senetra added.

Rep. Patterson (D-Jefferson) questioned then whether PAX could be integrated into teacher training.

"It would be incredibly helpful, especially knowing how vulnerable our students are today coming to us," he said.

Ms. Senetra said she worked with Wright State University on creating a course on PAX and how it can be used as part of classroom management.

She told Rep. Teresa Fedor (D-Toledo) that there has been no formal study on whether teacher retention improved with use of PAX, but anecdotally, schools in her county employing the method have seen a drop in teacher turnover.

Sen. Lehner joined in with a similar observation from a district she visited, saying "they had not lost a single teacher in two years."

Chairman Rep. Bob Cupp (R-Lima) opined that some of the self-regulation efforts in PAX are similar to what he and his colleagues were taught when they were children.

"Have we seen a greater need to teach children or help children learn these behaviors that they used to learn at home?" he asked.

The federal Substance Abuse and Mental Health Services Administration, has found that one in four children coming into schools currently suffer from some sort of diagnosable disorder, such as anxiety, depression, or ADHD, Ms. Senetra said. That means the students of today are more complex.

"I have my own theory on coupling with that is the fact that devices are regulating our children," she said. When children are handed a cellphone or tablet to keep them occupied and not act out, they're not working on self-regulation.

"They don't have the vast number of opportunities to practice that before they get to the classroom," she said.

Jane Whyde, executive director of the Franklin County Family and Children First Council, told the panel that students can't engage in learning if they're using most of their brains for survival.

Unlike PAX, she said Neurosequential Model in Education is not a classroom structure, but rather a focus on brain development and function and how knowledge of those things can help optimize learning environments for students with trauma.

In Franklin County schools where teachers employed rhythmic, repetitive, relational and more types of regulating activities, there were decreases in classroom episodes, student absences, teacher absences and teacher turnover, she said. Meanwhile, there were increases in academic and graduation rate.

It took about two years for a full culture change to be realized in schools, Ms. Whyde said in outlining the lessons learned so far from the Franklin County NME initiative.

Likewise, the Thriving Learning Communities curriculum that has shown to improve academic outcomes through focus on social-emotional learning, will also take time to implement, said Mayerson Academy President Jillian Copley Darwish.

"It is work that takes time to show outcomes so there must be a very strong theory of action that supports it and a significant rationale for why you're doing it because you will definitely get naysayers," she said.

Subscribers Note: Full presentations are available on the committee's [website](#).

Lawmaker Voices Concerns With Fantasy Gaming Bill

A bill creating a regulatory framework for fantasy sports contests drew concerns from a member of a Senate committee Tuesday about the oversight of "daily" versions of the games.

The proposal ([HB 132](#)), which passed the House 82-15 in May, would place the regulation of fantasy sports under the Ohio Casino Control Commission and create several guidelines, the bill's sponsors told the Senate Finance Committee.

Sponsoring [Rep. Jonathan Dever](#) (R-Cincinnati) and [Rep. Rob McColley](#) (R-Napoleon) said the bill was drafted in coordination with the attorney general's office, the Casino Control Commission and members of the fantasy sports industry.

"This bill is trying to put a framework around an activity that millions of Ohioans are already doing," Rep. Dever said.

The bill would define a fantasy sports contest using guidelines in federal law and clarify that rules for the industry be enforced by the Casino Control Commission.

The bill would also require that players are 18 years or older, require operators to be licensed, prohibit contests based on college or high school events, restrict employees of fantasy sports companies from playing, and more. It also requires an annual audit to ensure providers are complying.

The sponsors drew questions from Sen. Bill Coley (R-Liberty Twp.), who said 1.9 million Ohioans play season-long fantasy sports, often in casual leagues in which whoever runs the operation doesn't make a profit.

Only about 200,000 Ohioans play daily fantasy sports, which are generally run through websites such as DraftKings and FanDuel, Sen. Coley said. He said those sites operate as a pool for profit, whereas most fantasy leagues are not.

Sen. Coley questioned why out-of-state entities like the two daily fantasy sites would be allowed to operate as pools for profit when other entities in the state cannot.

"The 1.9 million people who play season-long fantasy sports - that's not a pool for profit and that's not illegal," Sen. Coley said.

The sponsors said the bill creates a framework to regulate the practice of fantasy gaming.

"We're at a juncture in the road where we can say we can stop Ohioans from doing this based on some ambiguity in the law or we can go ahead and permit this," Rep. McColley said.

He said the sites charge fees in order to operate the sites and mechanisms for playing the games.

Sen. Dave Burke (R-Marysville) said the legislation would create a system by which the people who play daily fantasy sports could have some protections under the law. He said the online nature of daily fantasy sports and the fact that it's legal at the federal level makes it "nebulous."

"If somebody had some kind of fiscal loss, they would have no action in the state of Ohio other than to admit that they broke the law," he said.

BRAC Panel Prepping Ohio Military Base Tours

A House task force established to help preserve Ohio military institutions is expecting to visit 11 bases in the state between now and Thanksgiving, the panel's chairman said Tuesday.

At its initial meeting, the House Base Realignment and Closure Task Force set the stage for those visits and the issuance of a report on the potential closure process in early 2018.

Rep. Rick Perales (R-Beavercreek), who chairs the panel, said the group has the latitude to develop recommendations and will work toward compiling a single state strategy regarding potential changes regarding bases and Department of Defense actions. Members also discussed a mission statement that Mr. Perales submitted to caucus leaders last month.

The BRAC process last occurred in 2005.

Mr. Perales said the site visits are the best way for members to view the strengths, weaknesses and missions of Ohio's military installations, and will also offer base leaders a chance to highlight important partnerships they have with the private sector.

Locations on the panel's initial schedule include:

- Youngstown Air Reserve Station
- NASA Glenn Research Center, Cleveland

- NASA Plum Brook Station, Sandusky
- Toledo Air National Guard Base
- Mansfield Lahm Air National Guard Base
- Lima Army Tank Plant
- Springfield-Beckly Air National Guard Base
- Wright-Patterson Air Force Base
- Rickenbacker Air National Guard Base
- Defense Finance and Accounting Services, Cleveland and Columbus

Mr. Perales said that while Congress doesn't appear to have an "appetite" for BRAC at this time, the process could be requested as soon as 2019. That timeline, he said, would align well with the issuance of a 2018 Ohio-specific report.

Richard Green, former legislative director of the National Guard Association of the United States, suggested the panel communicate with federal lawmakers to urge them to get involved in the process by which BRAC rules are developed. He said those rules are essential to determining which bases fare the best in the BRAC process.

Mr. Perales said that outreach has begun.

The panel is tentatively scheduled to meet next on Sept. 21.

Capitol Scene: Tobin To Lead Prosecutors Association; AMP, Coal Association Make Hires

Louis Tobin, who currently serves as deputy director of the Ohio Judicial Conference, has been selected as the next executive director of the Ohio Prosecuting Attorneys Association.

He will succeed John Murphy, who is retiring next month after serving as the association's leader for the past 37 years. Mr. Murphy has been with the OPAA for 41 years.

Mr. Tobin has held several roles at the OJC, and has experience in legislative analysis and lobbying. He holds degrees from Ohio State University and the University of Pittsburgh School of Law. He starts in the new role on October 2.

AMP-Karg: American Municipal Power, Inc. has named Holly Karg, formerly of the Public Utilities Commission of Ohio, as its director of media relations and communications.

Ms. Karg most recently served as the PUCO's director of public affairs. Prior to that, she worked at the Buckeye Institute for Public Policy Solutions, King Strategic Communications and the Ohio State Bar Association.

Ms. Karg holds a degree in journalism from Ohio State University.

Coal-Cope: The Ohio Coal Association announced that it had named Mike Cope as its interim president.

"We are very pleased and fortunate to have Mike Cope at the helm of the Ohio Coal Association. Mike has a long history with coal, dating back to his days in Harrison County and his many roles in Ohio government," said Mike Carey, chairman of the association's board. "His experience and knowledge of politics and the legislative process are very important to our membership."

Mr. Cope succeeds former president Christian Palich, who now works at the U.S. Environmental Protection Agency in Washington, D.C.

Governor's Appointments

Third Frontier Commission: Aravind Immaneni, Ph.D., of Cincinnati for a term beginning September 12, 2017, and ending September 28, 2018.

Asian American Pacific Islander Advisory Council: Kashi Adhikari of Columbus for a term beginning September 12, 2017, and continuing at the pleasure of the Governor.


Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board: Lynn M. Busdeker of Tiffin, Erin T. Hofmeyer of Cleves, Ronald J. Kleinman of Fairlawn, Susan Welch Stevens of Findlay and Trevor J. Vessels of Columbus for terms beginning September 12, 2017, and ending August 27, 2020.

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Click the  after a bill number to create a saved search and email alert for that bill.

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House Activity for Tuesday, September 12, 2017

INTRODUCED AND REFERRED

HR CONGRESSIONAL MEDAL (Antonio, N., Strahorn, F.) A resolution urging Congress to award a
193 Congressional Medal of Honor to the late Senator John Glenn and Mrs. Annie Glenn.

Federalism & Interstate Relations

HR HYPERLOOP (Hughes, J.) To express support for the Hyperloop Transportation Initiative.

236

Transportation & Public Safety

HCRRECLAIM ACT (West, T., Thompson, A.) To urge the Congress of the United States to pass the
13 RECLAIM Act, which would assist communities negatively impacted by changes to the country's energy industry.

Federalism & Interstate Relations

HCRPARIS ACCORD (Lepore-Hagan, M., Leland, D.) To affirm the commitment of the members of the
14 General Assembly, in accordance with the aims of the Paris Agreement, to reduce greenhouse gas emissions to 26 to 28 per cent below 2005 levels by the year 2025.

Energy & Natural Resources

CALENDAR FOR COMING SESSION

SB POLICE CHIEF TRAINING (Hite, C.) To require the Ohio Peace Officer Training Commission to
37 develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police.

HB ECONOMIC DEVELOPMENT (Hambley, S., Rogers, J.) To establish a Regional Economic Development
122 Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances.

HB DISASTER WORK (Ryan, S.) To create the Disaster Relief Act to exempt out-of-state disaster businesses
133 and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster.

REFERRED

Aging & Long Term Care:

HB PALLIATIVE CARE (LaTourette, S.) To create the Palliative Care and Quality of Life Interdisciplinary
286 Council, to establish the Palliative Care Consumer and Professional Information and Education Program, and

- to require health care facilities to identify patients and residents who could benefit from palliative care.

Armed Services, Veterans Affairs & Homeland Security:

HB DOG REGISTRATIONS (Goodman, W.) To exempt certain disabled veterans from paying a dog
295 registration fee when application is made to the county auditor that includes proof that the dog is an
■ assistance dog.

SCRMISILE DEFENSE (O'Brien, S., Eklund, J.) A resolution to urge the United States Missile Defense
8 ■ Agency to select Camp Ravenna Joint Military Training Center in Ravenna, Ohio, as the preferred site for a
future east coast Missile Defense system.

Community & Family Advancement:

SB CHILD SUPPORT (Coley, B.) To amend the child support laws.
70 ■

HB PARENTAL RIGHTS (Gonzales, A., Rezabek, J.) To generally prohibit a person's blindness from being
309 used to deny or limit custody, parenting time, visitation, adoption, or service as a guardian or foster
■ caregiver, regarding a minor.

Criminal Justice:

SB ABORTION (Huffman, M., Wilson, S.) To criminalize and create a civil action for dismemberment
145 abortions.
■

HB VEHICULAR ASSAULT (Patton, T., Keller, C.) To include negligently causing serious physical harm to a
278 law enforcement officer while operating a motor vehicle or other specified mode of transportation as a
■ violation of the offense of vehicular assault.

HB ADOPTIONS (Rezabek, J.) To require the juvenile court judge to provide written consent to certain
283 adoptions involving abused, neglected, or dependent children.
■

HB DRUG OFFENSES (Gavarone, T.) To enhance penalties for certain drug offenses committed in the vicinity
296 of a community addiction services provider.
■

HB IMPORTUNING (Schaffer, T., Smith, K.) To amend the penalties for the offense of importuning.
327
■

Economic Development, Commerce & Labor:

HB SERVICE ANIMALS (Lipps, S., Kelly, B.) To prohibit places of public accommodation from

303 preventing the use of a service animal.

HB ACCIDENT REPORTS (Ingram, C.) To prohibit the use of information obtained from an accident
331 report by any person for commercial solicitation purposes.

Education & Career Readiness:

HB SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.) To define the necessary
318 qualifications and responsibilities of school resource officers.

Federalism & Interstate Relations:

HB PROTECTION ORDERS (Antonio, N., Boyd, J.) To require a court that issues a protection order to
305 determine if the respondent is prohibited from carrying or possessing a firearm, to require a court to
 determine whether an offender who has been convicted of specified offenses is prohibited from carrying or
 possessing a firearm, and to require a respondent or offender who the court determines is prohibited from
 carrying or possessing a firearm to transfer all firearms in the person's possession to a law enforcement
 agency or a federally licensed firearms dealer.

HB CONCEALED WEAPONS (Vitale, N.) To permit an elected officeholder of this state or a political
310 subdivision of this state who holds a valid concealed handgun license to carry a concealed handgun in a
 government facility of this state or a political subdivision of this state.

Finance:

HB COMMERCIAL DRIVER STUDENTS (Smith, R., Manning, N.) To establish the Commercial Truck
154 Driver Student Aid program and to make an appropriation.

HB BROADBAND EXPANSION (Carfagna, R.) To establish the residential broadband expansion program
281 within the Development Services Agency to award matching grants for last mile broadband expansion in
 municipal corporations and townships and to make an appropriation.

HB EMERGENCY PLANS (Miller, A., Kent, B.) To revise the law regarding emergency management plans
322 and school safety drills; to require each educational service center to employ an emergency response
 planner; to make an appropriation; and to declare an emergency.

Financial Institutions, Housing & Urban Development:

HB CRIMINAL MISCHIEF (Hambley, S.) To expressly prohibit criminal mischief relating to residential rental
282 property and to prohibit a metropolitan housing authority from renting or providing housing assistance to a
 person who has recently been convicted of criminal mischief relating to residential rental property.

HB STATE FINANCES (Hagan, C., Roegner, K.) To create the Long-range Financial Outlook Council for the
320 purpose of informing the public and the General Assembly about the financial status of the state by studying

- financial and other conditions and issuing an annual long-range financial outlook report.

HB PYRAMID SCHEMES (Pelanda, D.) To modify the law governing pyramid promotional schemes.
329

Government Accountability & Oversight:

SB AGENCY REVIEWS (Jordan, K.) To require standing committees of the General Assembly to establish a
79 schedule for the periodic review of state departments that are currently in the Governor's cabinet, and to
■ require that Auditor of State performance audits be scheduled to coincide with the periodic review.

HBOCCUPATIONAL LICENSING (Hood, R., McColley, R.) To establish a statewide policy on occupational
289 regulation, to require standing committees of the General Assembly to periodically review occupational
■ licensing boards regarding their sunset, to require the Common Sense Initiative Office to review certain
actions taken by occupational licensing boards, and to require the Legislative Service Commission to
perform assessments of occupational licensing bills and state regulation of occupations.

HB CONSENT DECREES (Butler, J.) To require the approval of the General Assembly for a state agency to
301 agree to a consent decree or court-approved settlement agreement that would alter or prohibit the
■ enforcement of a law of this state.

HB POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.) Regarding use of credit cards
312 and debit cards by political subdivisions.

Health:

HB ABORTION (Hagan, C., Hood, R.) To generally prohibit an abortion of an unborn human individual with a
258 detectable heartbeat and to create the Joint Legislative Committee on Adoption Promotion and Support.

HB LEAD SAFETY (Merrin, D.) To enact the Lead Safety and Uniformity Act to provide that the state, acting
299 through the Department of Health, has the sole and exclusive authority to compel, prohibit, license, or
■ regulate lead abatement activities in Ohio.

HB PREGNANT MINORS (Boggs, K., Antonio, N.) To authorize a pregnant minor to consent to receive
302 health care to maintain or improve her life or the life of the unborn child she is carrying.

HB PRESCRIBING AUTHORITY (Seitz, B., Gavarone, T.) To authorize certain psychologists to prescribe
326 psychotropic and other drugs for the treatment of drug addiction and mental illness.

HB ANATOMICAL GIFTS (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on
332 the basis of disability.

HB AWARENESS MONTH (Lepore-Hagan, M., Howse, S.) To designate April as "Sarcoidosis Awareness
335 Month."

Insurance:

HB AUTO INSURANCE (Antani, N.) To create a study committee to author a report making
284 recommendations about ways to reduce the cost of insurance premiums among commercial drivers ages
■ eighteen to twenty-five.

HB LICENSE FEES (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary
336 instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee
■ Amnesty Initiative.

State & Local Government:

SB DAY DESIGNATION (Hackett, B.) To designate the twenty-fifth day of May as "Ohio National Missing
86 Children's Day."
■

HB JOHN GLENN HOME (Hill, B., Rosenberger, C.) To require the Ohio History Connection to designate
279 John Glenn's childhood home as a state historic site.
■

HB GOVERNMENT INSURANCE (Wiggam, S.) To authorize counties, townships, and municipal
291 corporations to purchase an employee dishonesty and faithful performance of duty insurance policy, instead
■ of a bond, for protection from loss due to the fraudulent or dishonest actions of, and the failure to perform a
duty prescribed by law by, an officer, official, employee, or appointee for which a bond is required by law.

HBSICK DAYS (Merrin, D.) To make changes with respect to the number of sick days provided to public
298 employees.
■

HB IDENTIFICATION CARDS (Barnes, J.) To provide that any nondriver identification card that is issued to
300a a resident of Ohio who is permanently disabled must be issued without an expiration date.
■

HB MONTH DESIGNATION (Gonzales, A.) To designate September as "We Card Month."
307
■

HBSAFETY TAX CREDIT (Schaffer, T.) To allow an income tax credit for law enforcement officials who
314 purchase safety or protective items to be used in the course of official law enforcement activities.
■

HBDAY DESIGNATION (Arndt, S.) To designate October 6 as "S.M.A.R.T. Parent Day."
315
■

HB STATE PET (Lanese, L.) To designate a shelter pet as Ohio's official pet.
319
■

HBGARBAGE FEES (Patterson, J.) To authorize all municipal corporations that charge a garbage collection
323 fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be
■ collected in the same manner as real property taxes.

Transportation & Public Safety:

SB LICENSE PLATE (Coley, B.) To create the "KylerStrong Foundation" license plate.

77

SB ROAD NAMING (Hoagland, E.) To designate a portion of State Route 7 in Jefferson County as the "U.S. 78 Air Force Staff Sergeant Yvonne Marie Fair Memorial Highway."

SB MONTH DESIGNATION (Hite, C.) To designate May as "Drive Ohio Byways Month."

117

HBMOTORCYCLE PROTECTION (Goodman, W.) To permit a person to wear earplugs for hearing 280protection while operating a motorcycle.

HBLICENSE PLATE (Anielski, M.) To create the "North Royalton City Schools" license plate.

285

HBLICENSE PLATE (Anielski, M.) To create the "Post-Traumatic Stress" license plate.

287

HBLICENSE PLATE (Anielski, M.) To create the "Cuyahoga Heights Schools" license plate.

288

HBLICENSE PLATE (Blessing, L.) To create the St. Xavier High School license plate.

290

HBDRIVER'S LICENSES (Scherer, G., Sheehy, M.) To require a person to hold a temporary instruction 293permit for one year before obtaining a probationary driver's license and to alter the time periods during which the holder of a temporary instruction permit or probationary driver's license is prohibited from operating a motor vehicle without being accompanied by a parent or guardian.

Gongwer Coverage

HBROAD NAMINGS (Boccieri, J.) To designate a portion of U.S. Route 224 in Mahoning County as the 294"Patrolman Charles K. Yates Memorial Highway" and a portion of State Route 170 in Mahoning County as the "Patrolman Richard E. Becker Memorial Highway."

HBVEHICLE TITLES (Hagan, C.) To allow owners of a motor vehicle, watercraft, or outboard motor who 297have joint ownership with right of survivorship to transfer title through a transfer-on-death designation.

HBLICENSE PLATE (Gonzales, A.) To create the "Gold Ribbon Awareness" license plate.

306

HBROAD NAMING (Cera, J.) To designate a portion of State Route 7 in Belmont County as the "Ohio Valley

308 Vietnam Veterans Memorial Highway."

HBROAD NAMING (Johnson, T.) To designate a portion of State Route 348 in Scioto County as the "Roy
311 Rogers Happy Trails Highway."

HBLICENSE PLATE (Hughes, J.) To create the "Pelotonia" license plate.

313

HPICNIC AREA NAMING (Arndt, S., Stein, D.) To designate a picnic area in Kelleys Island State Park as
316 the "Henry T. Beatty Memorial Picnic Area."

HBLICENSE PLATE (Koehler, K., Green, D.) To create the "Lions Club" license plate.

321

HBROAD NAMING (Ashford, M., Sheehy, M.) To designate a portion of Interstate Route 75 in Lucas County
324 as the "Toledo Firefighters J. Dickman and S. Machcinski Memorial Highway."

HBROAD NAMING (Faber, K.) To designate a portion of State Route 705 in Shelby County as the "Michael J.
325 Aselage Memorial Highway."

HBLICENSE PLATE (Ingram, C., Kelly, B.) To create the "Cincinnati City School District" license plate.

328

HBROAD NAMING (Rogers, J.) To designate a portion of State Route 91 in Willoughby as the "Patrolman
330 Jason Gresko Memorial Highway."

Ways & Means:

SB COLLEGE AFFORDABILITY (Hottinger, J., Eklund, J.) To increase the maximum income tax deduction
5 for contributions to college savings accounts and disability expense savings accounts to \$4,000 annually for
each beneficiary, to create the Joint Committee on Ohio College Affordability, and to declare an emergency.

HBOHIO RESIDENCY (Scherer, G.) To modify the test for determining an individual's state of residence for
292 income tax purposes.

HBADOPTION CREDIT (Young, R.) To extend a personal income tax credit available for the adoption of a
304 minor child to include a disabled adult adopted by the adult's stepparent.

HB TAX DEDUCTION (Young, R.) To authorize, for six years, a personal income tax deduction for a physician
317 based on the number of hours the physician provides uncompensated medical services through a hospital,
free clinic, or nongovernmental medical organization.

HB TAX RETURNS (Becker, J., Leland, D.) To allow married couples to elect to file either separate state tax
333 returns or a joint state return, irrespective of their federal filing status.

HB BUSINESS INCOME (Scherer, G.) To provide that wages and guaranteed payments paid by a professional **334** employer organization to the owner of a pass-through entity that has contracted with the organization may be considered business income.

COMMITTEE HEARINGS

Economic Development, Commerce & Labor

HB FLU VACCINES (Hagan, C.) To prohibit an employer from taking an adverse employment action against a **193** person who has not been or will not be vaccinated against influenza. (**REPORTED-AMENDED (See separate story)**; 4th Hearing-Possible amendments & vote)

HB FLAG DISPLAY (Gonzales, A., Ginter, T.) To prohibit manufactured home park operators, condominium **230** associations, neighborhood associations, and landlords from restricting the display of the thin blue line flag. (**CONTINUED**; 4th Hearing-All testimony-Possible vote)

The committee held off on moving the bill, but did vote to table an amendment from Rep. Brigid Kelly (D-Cincinnati) that would have added language to include a host of similar flags - including the thin red line flag for firefighters, the thin green line flag for federal agents and many others.

Citing sponsor opposition, Republicans moved to successfully table the amendment, with the exception of Rep. Tom Brinkman (R-Cincinnati), who voted in support.

Dan Acton, government affairs director for the Ohio Real Estate Investors Association, voiced support for the bill in testimony. He said it includes prior notification language sought by landlords in previous flag display legislation and stressed the need for such a provision.

"I ask you to understand that rental property is different than owners-occupied property," he said. "In a rental property situation, many tenants are given limited abilities to make improvements to the unit because they are simply 'borrowing' the unit during tenancy."

He described a hypothetical situation in which a tenant installs a flag kit, but in doing so, mistakenly damages the rental unit, such as by drilling into the doorbell wiring or failing to adequately secure the flag.

"Further consider someone that wants to install a flagpole at their rental property," Mr. Acton said. "If a well-intentioned tenant places a flagpole within the property setback and a city inspector notices it, the property owner, not the tenant would receive a notice to move the flagpole and possibly pay a fine in the process. Should a landlord be responsible for moving the pole and paying a fine if they had no knowledge that it was being installed? What if the pole is improperly installed and it falls and damages a neighbor's property?"

HB OUTDOOR DINING AREAS (Lanese, L.) To generally allow an owner, keeper, or harbinger of a dog to **263** take the dog in an outdoor dining area of a retail food establishment or food service operation. (**CONTINUED**; 1st Hearing-Sponsor)

The bill will put the control back in the hands of restaurant and bar owners by permitting them to decide whether to allow dogs on outdoor patios, according to sponsor Rep. Laura Lanese (R-Grove City).

Rep. Lanese said the bill would reject "unnecessary interference from the state" in local business affairs, encourage business growth, and acknowledge constituent requests for pet-friendly legislation.

"This issue resonates with the more than 40% of Ohioans who have canine companions," the sponsor said. "Other groups supporting this legislation are Columbus Chamber of Commerce, Ohio Restaurant Association, Humane Society of the US, and the ASPCA."

At the same time, she said, discussions are ongoing with the Franklin County Public Health Department and the Ohio Department of Health to develop "commonsense guidelines" that will be added in a forthcoming substitute

bill.

"Some of the restrictions we will likely be including will: require an outdoor access to the patio to prevent dogs from walking through indoor facilities, give restaurant owners full discretion on the dogs they allow, and mandate that dog-specific sanitation kits be readily available," Rep. Lanese said.

She said the bill would have no impact on service dogs, which are currently permitted inside restaurants and on patios by law.

Rep. Kelly said she and Rep. Scott Lipps (R-Franklin) are currently working on a bill related to service dogs, which has taught them that the presence of both service dogs and less trained dogs sometimes leads to issues.

"This will be for patios only," Rep. Lanese added. "So if the owner wanted to take the (service) dog inside they would be separated from those other dogs if that was the concern."

Responding to Rep. Michele Lepore-Hagan, Rep. Lanese said sponsors are exploring requiring signage for dog-friendly patios to benefit those who are allergic to dogs but that allergists have also informed her that is a low concern.

Subscribers Note: For full testimony see the committee's website under Sept. 12.

Criminal Justice

HB VIOLENCE DATABASE (Seitz, B., West, T.) To require the Attorney General to establish a database of 259 persons who have committed an offense of violence at an A-1-A, A-1c, or D liquor permit premises and to provide access to the database to holders of those categories of liquor permits. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsoring Rep. Thomas West (D-Canton) said the measure will "provide small business owners with the tools necessary to protect their livelihoods and communities."

Under the bill, a database would be established for individuals convicted of an offense of violence that took place in a facility with a Class D, A-1-A or A-1c liquor permit.

The non-public database would be available only to those facilities.

"Any Ohioan in the database will be removed after three years," Rep. West said. "This bill does not create any new crimes or sentences, and this bill does not create a new public registry. It simply acts as a means to communicate existing convictions to the specific institutions that would be directly negatively impacted by a repeat offense. By giving local business owners the information about prior crimes in similar settings, we are allowing entrepreneurs to defend their businesses."

He said that bars and clubs can have their reputations ruined by individuals who "have a pattern of drunken debauchery."

"But the owners and employees of these businesses had no way of knowing that, and they should not be punished for wanting to serve a patron," he said. "This bill will give these small businesses the tools they need to combat this problem."

The bill currently calls for the attorney general's office to maintain the database. However, Rep. West said it is likely that a substitute bill will be introduced to transfer that responsibility to the Department of Commerce.

Rep. Bernadine Kent (D-Columbus) questioned if the bill addresses the issue of owners overserving patrons.

Fellow sponsoring Rep. Bill Seitz (R-Cincinnati) said the legislation does not impact the Dram Shop Act.

Rep. Jeff Rezabek (R-Clayton) raised the specter of an establishment owner facing civil liability if someone on the registry commits an act of violence in their bar or club.

Rep. Seitz said he would be willing to make it clear that there is no civil liability.

HB UTILITY WORKERS (Rezabek, J., Greenspan, D.) To expand the offense of aggravated menacing to **276** prohibit threatening a utility worker with intent to obstruct the operation of a utility. (CONTINUED; 1st Hearing-Sponsor)

The bill is designed to protect utility workers from being threatened while performing their duties, sponsoring Rep. Rezabek said.

He pointed to a recent incident in Florida in which a man shot out the tires of an AT&T truck after he became upset that the vehicle was parked outside of his house.

"While we understand that this situation is one of the egregious variety, over the course of working through this piece of legislation, we were approached by utility companies explaining that their workers have been threatened many times and that having House Bill 276 in statute, it would protect their workers greatly," he said.

Under the measure, the offense of aggravated menacing would be expanded to prohibit threatening a utility worker with intent to obstruct the operation of a utility.

The offense would be a fourth-degree felony if the offenders knows or has reasonable cause to know that the victim is a utility worker, the victim is engaged in performing his or her duties and a threat with a deadly weapon is made.

"If, and only if, these three facts are present, then this new enhancement can be used," fellow sponsoring Rep. Dave Greenspan (R-Westlake) said.

SBDUG OFFENSES (LaRose, F.) To increase penalties for drug trafficking violations, drug possession **1** violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamphetamine to the list of schedule II controlled substances. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Sen. Frank LaRose (R-Hudson) said the bill achieves a balance between providing addicts an opportunity to receive treatment and putting traffickers behind bars.

Fentanyl-related drug overdose deaths have been on the rise in recent years, with 2,357 in 2016, up from just 84 in 2013.

The drug accounted for nearly 60% of all drug overdose deaths 2016, Sen. LaRose said.

He said he worked with the Wayne County Prosecutor's Office in crafting the legislation.

"The legislation targets anyone trafficking fentanyl-related substances. This legislation would lower the amount of fentanyl-related compounds needed to receive higher-level felony convictions that carry longer sentences," he said. "In addition, if a fentanyl-related drug conviction is connected to a homicide conviction, the prison sentences will be held consecutively."

The legislation also seeks to crack down on those that permit the manufacture of methamphetamine in in their homes, apartments or vehicles.

Another provision adds lisdexamphetamine to the state's schedule of controlled substances.

"Lisdexamfetamine is used to treat ADHD and hyperactivity and is at a high risk of being abused, especially in juveniles," he said. "There have been instances where the Wayne County prosecutor could not charge a case of drug abuse involving this drug because it is not listed in R.C. 3719.41."

Asked by Rep. Jim Butler (R-Oakwood) about the Department of Rehabilitation and Correction's position on the measure, Sen. LaRose said the agency was neutral at the time it cleared the upper chamber.

"I don't see any reason why their stance on it would have changed," he said.

Rep. Seitz questioned the lack of a mens rea provision in the bill.

"I'm concerned, particularly at these lower levels," he said, adding that small-time dealers are often selling heroin that they do not know has been mixed with fentanyl.

Sen. LaRose said he would be open to an amendment that addresses the issue.

He also encouraged panel members to address what he called a flaw in his bill - the inability to determine the exact amount of fentanyl in a compound. Sen. LaRose said he had not come up with a solution to that issue.

Subscribers Note: For full testimony see the committee's website under Sept. 12.

Federalism & Interstate Relations

HB CONCEALED WEAPONS (Wiggam, S.) To eliminate the requirement that a concealed handgun licensee 142 notify a law enforcement officer that the licensee is carrying a concealed handgun when stopped.

■ (CONTINUED-SUBSTITUTE (See separate story); 5th Hearing-Possible substitute)

HB CONCEALED WEAPONS (Householder, L., Lanese, L.) To permit law enforcement officers to carry 253 firearms off duty in places otherwise prohibited for concealed handgun licensees. (CONTINUED (See

■ separate story); 1st Hearing-Proponent)

HB FIREARMS TRAINING (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical 79 professionals; to permit such a professional who has received that training and has been authorized by the

■ law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee. (REPORTED (See separate story); 3rd Hearing-All testimony-Possible amendments & vote)

Constitutional Convention: Former U.S. Sen. Jim DeMint of South Carolina urged the panel to approve a measure (HJR 2) that was not on the schedule to add Ohio to the list of states pressing for a constitutional convention to amend the U.S. Constitution.

Saying the federal government is out of control, Mr. DeMint warned that a constitutional convention could be the last and best chance to save America.

A constitutional convention, he said, would allow states to take back power that has been ceded to Washington over the years.

"Federalism is about where it's decided and who decides," he said.

Mr. DeMint said concerns about a runaway convention are overblown. Channeling the late U.S. Supreme Court Justice Antonin Scalia, he said a constitutional convention's "risks are minimal and reasonable."

Because it is seen as a bellwether state, Ohio could be pivotal in the movement toward a constitutional convention, he said.

Rep. Kyle Koehler (R-Springfield) questioned how he can convince those on the right who are skeptical.

Mr. DeMint said the fact that delegates can be constrained to certain subject areas should be reassuring to skeptics.

Rep. Wes Retherford (R-Hamilton) asked Mr. DeMint about his opinion of other states that have put constraints on delegates, including criminal penalties.

"I think it's a good idea," he said. "The state legislatures are in control of this."

Rep. Ron Young (R-Leroy) said Congress still controls the process and expressed skepticism that it will act.

"The chances of Congress saying no, I think, are zero," he said.

Subscribers Note: For full testimony see the [committee's website](#) under Sept. 12.

Public Utilities

HB SUBMETERING (Duffey, M.) To permit the Public Utilities Commission to adopt rules governing **249** residential utility reselling. (CONTINUED (See separate story); 1st Hearing-Sponsor)

Subscribers Note: For full testimony see the [committee's website](#) under Sept. 12.

Education & Career Readiness

HB FINANCIAL LITERACY (Hagan, C., McColley, R.) To require one-half unit of financial literacy in the **108** high school curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act." (CONTINUED; 3rd Hearing-Opponent & interested party)

Dan Dodd, executive director of the Ohio Association of Independent Schools, opposed adding to graduation requirements and required curriculum.

"We believe our graduates are well equipped for the rigor and realities of college life," he said. "Adding another mandate to what our high schools offer is unnecessary. He asked that the committee amend the bill to provide an exemption for ISACS-accredited schools.

"Our schools, whether measured by college acceptance and attendance rates, remediation rates or ACT/SAT scores, are the highest achieving schools in the state," Mr. Dodd said. "Simply put, our schools do not need to be told by the government what to teach and how to teach it, and the colleges and universities of this state and this nation agree."

He told Rep. Catherine Ingram (D-Cincinnati) that the schools would begin offering financial literacy courses if colleges and universities indicate it's required for admissions.

Many schools already offer financial literacy lessons through related courses, Mr. Dodd said.

Rep. Kyle Koehler (R-Springfield) said he's unsure whether schools are already teaching students how to balance checkbooks because there are Ohio students graduating from college with hundreds of thousands of dollars of student debt.

"I don't think they know how to," he said of using a checkbook. "Shouldn't it be something that every student who graduates from high school know how to do and how do we do that if we don't make it a requirement?" He asked.

Mr. Dodd said he's not as concerned about expecting students to know how to balance a checkbook with the fact that the bill would require schools to teach such a topic with specific materials and strategies.

HB COMMUNITY SCHOOLS (Hambley, S.) Regarding verification of community school enrollments.
21 (CONTINUED; 3rd Hearing-All testimony)

School districts currently face a handful of challenges in attempting to verify student residency, said Matthew Dotson, with the Ohio Education Association's Government Relations Division.

Such issues include being unable to obtain documents from charter schools or present a discrepancy to the superintendent of public instruction, he said.

Verifying student residency is also complicated by the facts that students do not have to report residency or changes of address to their home school districts, Mr. Dotson said.

It's important districts get residency right, he said, because "if the wrong residency is entered into the Education Management Information System for a charter student, the per-pupil payment will be deducted from the wrong school district."

"In summary, a more fair and logical system is needed" Mr. Dotson added.

He told Rep. Teresa Fedor (D-Toledo) that it's difficult to provide evidence to dispute residency, so it's not common for them to get money back that was paid to charter schools on their behalf.

Chairman Rep. Andy Brenner (R-Powell) raised concerns with flagging student residency because that could tie up money during the verification process.

"That can really hurt a charter school even more than (a traditional) school because they don't have the economies of scale," he said.

Mr. Dotson said an option that would require students to enroll in both their home traditional schools and charter schools would be a fair way to provide documentation needed by both entities.

State Auditor Dave Yost applauded the bill through written testimony.

"Following my office's 2013 school attendance data audit, it became apparent that the current student verification and attendance system has many cracks that must be filled," he wrote. "It creates loopholes and opportunity for error, fraud, and data scrubbing. House Bill 21 is a common-sense initiative that aims to create a more efficient system for establishing student residency, as well as increasing accountability in school funding."

Meanwhile, Ron Adler, president of the Ohio Coalition for Quality Education, opposed the measure that would put the onus for determining residency onto charter schools for the first time.

"Charter schools have always reported their enrollment to the state on a monthly basis, while districts only report three times a year," he said. "HB21 will add another burdensome requirement of submitting residency records to ODE monthly. This new mandate would create a major financial burden and divert funds for educating urban students to superfluous record keeping."

HB CLASSROOM FACILITIES (Boccieri, J., Rezabek, J.) To require the Ohio School Facilities Commission **246** to provide funding to certain county boards of developmental disabilities to assist in the acquisition of classroom facilities. (CONTINUED; 1st Hearing-Sponsor)

There are 45 counties in Ohio that have K-12 educational programs for students with developmental disabilities through their county boards and a handful of others host DD programs in public school settings, sponsoring Rep. Jeff Rezabek (R-Clayton) said.

"Currently, neither of these programs are eligible for critical construction, renovation and security reimbursement funds through (the Ohio Facilities Construction Commission.) That means over 300 classrooms teaching over 2,000 DD students do not have access to state money for school facilities," he said.

He pointed to a 2008 study in the Journal of Educational Administration that showed poor quality facilities are tied to a diminished focus on academics, less enthusiastic teachers and more classroom disorder.

"With that in mind, it is important that we provide students with developmental disabilities equitable access to facility resources that will allow them to learn and thrive alongside their counterparts in traditional school settings," Rep. John Boccieri (D-Alliance) said.

"In addition, county boards that fund these K-12 programs are saving schools money" he added. "Establishing and housing developmental disabilities programs in traditional schools is an added cost for those districts who have to build a program tailored to DD students' needs alongside the traditional curriculum. County board-sponsored programs allow school districts to forego that additional financial burden by offering these critical resources and educational programming for them."

Rep. Bob Cupp (R-Lima) said the goal for his county is to mainstream students with developmental disabilities so there aren't many students in dedicated facilities. He questioned whether there is a need for funding for new or updated facilities.

Rep. Boccieri said there schools in his district haven't been able to pass a levy to update their buildings to expand access to students with developmental disabilities, so additional funding would be helpful.

The sponsors said their plan is to leave up to OFCC the details of how schools would be ranked, receive funding and work with the state. But, since there were a number of questions of the topics, they said they'd be open to inserting such details into the legislation.

HB CAREER INFORMATION (Duffey, M., Boggs, K.) Regarding the presentation of career information to **98** students. (CONTINUED; 3rd Hearing-All testimony)

It's more important than ever that Ohio get active in recruiting the next generation of skilled construction professionals because there is decreased access to vocational training and Baby Boomers are retiring soon, said Dorsey Hager, with the Columbus/Central Ohio Building & Construction Trades Council.

"HB98 will aid in our increased efforts to recruit the next generation of skilled construction professionals," he said. "While our apprenticeship programs have developed excellent relationships with many school districts, we are still working to build a foundation."

Mr. Hager said many districts give preference to college programs, but apprenticeship training is essential to keeping the state's economy moving.

"From the first day of their program, a building trades apprentice is paid an hourly wage, health benefits and earns a pension," he said. "Our programs offer a tuition-free pathway to the middle class. HB98 ensures that all students will have the opportunity to learn about a career in the skilled trades and aid our apprenticeship program's efforts to provide a skilled construction workforce to continue to move Ohio's economy forward."


He told the panel that some schools may not know that the building trades have articulation agreements with community colleges to allow students to earn associate's degrees while training.

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Sarah LaTourette Kayser <latoursm@gmail.com>

ALEC Digital Exchange: Obamacare Fail, Mental Health, Oil Exports

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Thu, Jan 14, 2016 at 12:24 PM

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Congressional Budget Conference Call with Chairman Tom Price

House Budget Chairman Representative Tom Price (GA) will share budget plans and priorities with ALEC members and friends.

Topic: Congressional Budget Plans
Date: Friday, February 5
Time: 11:00 - 11:30 AM ET

RSVP [here](#) for call information



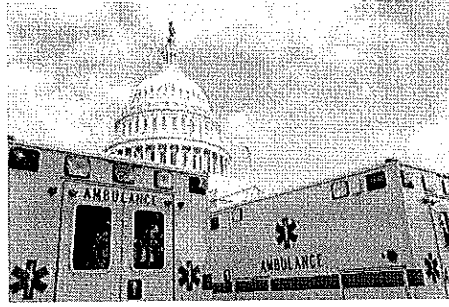
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Compassion or Barriers?
How the President's Unilateral Gun-Control Actions Erect Barriers for Those in Need of Mental Health Treatment

Real solutions aimed at aiding the mental health crisis will tear down barriers, encouraging individuals to seek needed treatment.
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Obamacare FAIL:
From Marketplace Exchanges to the Individual Mandate

The landmark legislation is in much great danger of outright failure than



Democrats or the media would have you believe. **Read more here.**

Lifting the Crude Oil Export Ban - Welcome and Long Overdue

The U.S. has become a leading energy producer thanks to discoveries of new reserves and technological advances to extract oil. **Read more here.**



Conference Call with
Congresswoman Virginia Foxx (NC)

Topic: Transparency and Accountability in Unfunded Mandates

Date: Tuesday, February 23

Time: 2:30 -3:00 ET

RSVP HERE for call information



American Legislative Exchange Council in the News

Congress Passes Meaningful Lawsuit Reform - *RedState*

House Votes to Block "Waters of the United States" Rule - *RedState*

Supporters Hope Supreme Court Will Protect Teacher Choice and Free Speech in *Friedrichs - RedState*

The Republican Party's 50-State Solution - *The New York Times*

Making education our top priority - *The Daily Journal*

Conservative US top court justices skeptical over union fees - NYSE Post

Teachers Protest Unions on Supreme Court Steps - WMAL 105.9 Washington, D.C.

Activists, lawyers state their cases as Supreme Court ponders union dues - *California Watchdog*

Political Bombshells Ahead in State Legislative Sessions - *Morning Consult*

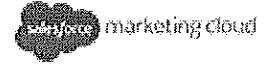
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Gmail - ALEC Digital Exchange: Obamacare Fail, Mental Health, Oil Exports

Congress Thwarted Part of Obama's Assault on First Amendment in Wasteful Omnibus Spending Bill - *CNS News*

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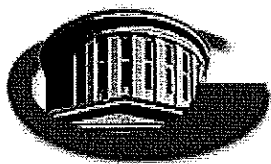
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Senate Activity for Wednesday, January 20, 2016

PASSED

HB VOLUNTEER IMMUNITY (Blessing, L., Landis, A.) To provide civil immunity for architects, contactors, engineers, 17 surveyors, and tradespersons providing volunteer services during a declared emergency.
31-1 (Skindell), Widener recused

HB AWARENESS DAY (Brown, T.) To designate the fourteenth day of May as 'Childhood Apraxia of Speech Awareness Day.'
98 33-0

HB AWARENESS WEEK (Stinziano, M., Ruhl, M.) To designate the last week of July as "Service Dog Awareness Week."
121 33-0

SB DAY DESIGNATION (Hughes, J.) To designate August 7 as Ohio Purple Heart Day.
239 33-0

REFERRED

Agriculture

HB ANIMAL TREATMENT (Ginter, T.) To authorize specified emergency personnel to provide certain emergency
187 medical services to an injured dog or cat.

SB BEER REFRIGERATORS (Burke, D.) To allow any manufacturer of beer to provide not more than two branded
255 refrigerated coolers to a liquor permit holder that sells beer for off-premises consumption if certain criteria apply.

Criminal Justice

HB LICENSE SUSPENSIONS (Baker, N., Manning, N.) To modify the law governing the termination or modification of a
300 lifetime driver's license suspension or a class two suspension that exceeds fifteen years and to specify that a class
one driver's license suspension for a specified aggravated vehicular homicide offense begins upon the offender's
release from prison.

Education

HB AUTISM SCHOLARSHIPS (Blessing, L., Rezabek, J.) To permit the temporary, legal, or permanent custodian of a
299 qualified child to apply for an Autism Scholarship.

SB COMMUNITY SCHOOLS (Schiavoni, J.) To prohibit community schools from using state moneys to pay for
250 advertising, recruiting, or promotional materials.

SB CARDIAC ARREST (Hite, C., Patton, T.) With regard to sudden cardiac arrest in youth athletic activities.
252

Finance

HB ADOPTION ASSISTANCE (Pelanda, D., Grossman, C.) To extend the age for which a person is eligible for federal
50 foster care and adoption assistance payments under Title IV-E to age twenty-one, to provide a ward's bill of rights, to
require that a guardian receive the Ohio Guardianship Guide, and to make an appropriation.

Financial Institutions

HB 229 ■ **TRUST LAW** (Hambley, S., Bishoff, H.) To create the Ohio Family Trust Company Act.

HB 303 ■ **DEED PROGRAM** (Dever, J., McColley, R.) To create the D.O.L.L.A.R. Deed Program.

Government Oversight & Reform

HB ARCHITECTS (Schaffer, T.) To make changes governing the architects board and the landscape architects board regarding continuing education requirements.

SB DRONES (Skindell, M., Seitz, B.) To regulate the use of drones for gathering evidence and information by law enforcement officers in Ohio.

SB FETAL REMAINS (Uecker, J.) Regarding final disposition of fetal remains from abortions.

HCRSYRIAN REFUGEES (Derickson, T.) To urge the President of the United States to halt the settlement of Syrian refugees in Ohio and the United States.

SCRWESTERN LANDS (Jordan, K.) To urge the United States Congress to transfer federal public land within the western states to the state where the land is located and to engage in good faith communication and cooperation to coordinate the transfers.

SCRFEDERAL RESERVE (Jordan, K.) To urge Congress to pass the "Federal Reserve Transparency Act of 2015."

Health & Human Services

HB DRUG SALES (Rezabek, J.) To prohibit the over-the counter sale, without a prescription, of dextromethorphan to a
197 person who is under 18 years of age.

HB EPINEPHRINE ACCESS (Hagan, C.) To permit epinephrine autoinjectors for which no prescriptions have been
200 written to be stored and accessed for use in case of emergency.

HB AWARENESS MONTH (Barnes, J.) To designate January as "Thyroid Health Awareness Month."
219

HB CHEMICAL DEPENDENCY (Sprague, R.) Regarding the practices of chemical dependency counseling and
230 prevention services.

HB WEEK DESIGNATION (Blessing, L.) To designate the first week of December as "Crohn's and Colitis Awareness
260 Week."

HB MONTH DESIGNATION (Johnson, T.) To designate April as "Osteopathic Medicine Recognition Month."
352

Insurance

HB WORKERS COMPENSATION (Henne, M., McColley, R.) To allow a state fund employer to have a workers'
207 compensation claim that is likely to be subrogated by a third party paid from the surplus fund account in the state
insurance fund rather than charged to the employer's experience

State & Local Government

SB PROFILING TRAINING (Williams, S., Tavares, C.) To require the Ohio Peace Officer Training Commission to develop
256a a course to train peace officers in performing their duties without biased policing or status-based profiling and require

■ that peace officer basic training programs include the new training program; to prohibit law enforcement officers and officials from engaging in biased policing or status-based profiling with respect to motorists, bicyclists, and pedestrians; to generally require law enforcement agencies to maintain a policy designed to eliminate biased policing and status-based profiling and to cease existing practices that permit, perpetuate, or encourage biased policing or status-based profiling; to require each law enforcement agency to develop and provide annually to its officers and to officers who engage in biased policing or status-based profiling an educational training program on how to perform law enforcement duties without engaging in biased policing or status-based profiling; to require a law enforcement agency to collect and report to the Attorney General specified information when an officer causes the stop, delay, or questioning of a motor vehicle or bicycle operator or pedestrian, or institutes a search, inventory, or inspection of a motor vehicle, bicycle, or pedestrian; to require the Attorney General to determine and report disparities in stopping and searching that cause a disproportionately adverse effect on particular minority groups; to require any law enforcement agency that the Attorney General determines engages in biased policing or status-based profiling to take immediate remedial action; to provide a civil cause of action for an individual who is a victim of biased policing or status-based profiling; and to permit the Attorney General to seek injunctive relief against a law enforcement agency served by an officer who commits biased policing or status-based profiling.

SB REAL PROPERTY (Seitz, B., Skindell, M.) To create a presumption of validity of recorded real property instruments, 257 reduce the time period for curing certain defects related to those instruments, and provide constructive notice for ■ those instruments.

SB POLICE INVESTIGATIONS (Williams, S., Tavares, C.) To establish the duties and authority of the Attorney General to 258 investigate and prosecute cases relating to the death of a person caused by a peace officer.
■

Transportation, Commerce & Labor

HB ROAD NAMING (Romanchuk, M.) To designate a portion of I-71 in Richland County as the "Lt. Col. Albert L. 338 ■ Allen, Jr. Memorial Highway."

SB 253 ROAD NAMING (Obhof, L.) To designate a portion of I-71 in Richland County as the "Lt. Col. Albert L. Allen, Jr. ■ Memorial Highway."

SB 259 ROAD NAMING (Hite, C.) To designate a portion of U.S. Route 30 in Hancock County as the "Congressman ■ Michael G. Oxley Memorial Highway."

SB 261 ROAD NAMING (Bacon, K.) To designate a portion of Interstate 270 within Franklin County as the "Lance ■ Corporal Ryan E. Miller Memorial Highway."

House Activity for Wednesday, January 20, 2016

INTRODUCED AND REFERRED

HR LOCKS UPGRADE (Dovilla, M.) To encourage the President and the Congress of the United States and the United States Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan and encourage the United States Army Corps of Engineers to take expeditious action in preparing an Economic Reevaluation Report.
 Transportation & Infrastructure

HR DAY DESIGNATION (Clyde, K.) Designating Thomas Paine Day in Ohio, January 29, 2016.
 Education

HR HIGHER EDUCATION (Howse, S., Ramos, D.) To support efforts to ensure that students from Ohio have access to debt-free higher education at public colleges and universities.
 Finance & Appropriations

HCREDUCTION ACT (McColley, R.) To urge the United States Congress to pass the ADA Education and Reform Act of 2015.
 State Government

CALENDAR FOR COMING SESSION

SB ROAD NAMING (Hughes, J.) To designate a portion of Interstate Route 670 as the "Dana G. 'Buck' Rinehart Highway."
 Tuesday, Jan. 26

HB DISABILITY TERMS (Dever, J., Howse, S.) To change the variations of the term "mentally retarded" to "person with an intellectual disability."
 Tuesday, Jan. 26

HB TAX LAWS (Green, D.) To extend the deadline for filing an application for the homestead exemption or 2 1/2% property tax rollback to the end of the tax year, to require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, and to repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts, and provide certain certifications related to the repealed personal property tax.
 Tuesday, Jan. 26

HB PROFESSIONAL ENGINEERS (Landis, A., Blessing, L.) To require professional engineers to complete continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices.
236
Tuesday, Jan. 26

REFERRED

Agriculture & Rural Development

SB AGRITOURISM (Jones, S., Peterson, B.) To limit the authority of a board of county commissioners or board of township trustees to prohibit agritourism through zoning, to apply current agricultural use valuation to land used for agritourism for property tax purposes, and to establish immunity in a civil action for agritourism providers.
75

HB PROHIBITED SPECIES (Hall, D.) To prohibit the possession, introduction, sale, or offer of sale of specified restricted and prohibited species.
396

Commerce & Labor

HB MICROBEADS (Patterson, J., Smith, K.) To prohibit the manufacture and sale of microbeads, and to create a consumer education program about best practices for microbeads.
400

Community & Family Advancement

HB 425 RELIGIOUS EXPRESSION (Hayes, B.) Regarding student religious expression.

Economic & Workforce Development

HB AUTO TECHNICIANS (Antani, N., Reineke, B.) Regarding employers of automotive technicians and motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program.
429

Education

HB COLLEGE CREDIT PLUS (Koehler, K.) To increase the earmarked funding for the College Credit Plus Program for 399 home instructed students.

HB PRIVATE SCHOOLS (Brinkman, T.) With regard to requirements for chartered nonpublic schools.
401

HB TRUANCY (Rezabek, J., Hayes, B.) With regard to habitual and chronic truancy and compulsory school attendance.
410

HB STATE ASSESSMENTS (Roegner, K.) To prohibit the Department of Education from including students who "opt-out" of state assessments in calculations of certain grades in the state report card and to declare an emergency.
420

HB JOB PLACEMENT (Antani, N.) To require the State Board of Career Colleges and Schools to report and post job placement information.
426

Energy & Natural Resources

HB OIL GAS LAW (O'Brien, S., Patterson, J.) To require recording and notification of assignments of leases for real property for the placing of an injection well, to revise the procedures and requirements governing the application for and issuance of a permit for a well to inject brine and other waste substances from oil and gas operations, to establish an additional fee on the injection of those substances, to require a person conducting brine or other waste substances operations prior to January 1, 2014, to obtain a permit or order to do so, to establish requirements governing ground water monitoring related to that injection, and to make other revisions in the Oil and Gas Law.
422

Finance & Appropriations

HJR WATER SEWER BONDS (Lepore-Hagan, M., Smith, K.) Proposing to enact Section 2t of Article VIII of the

- 5 ■ Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund sewer and water capital improvements.

HB CAPITAL IMPROVEMENTS (Dovilla, M.) Relative to the financing of capital improvement projects in this state by
403 another state or a political subdivision of another state.

HB LOCAL GOVERNMENT PAYMENTS (Anielski, M., Schuring, K.) To require certain payments made to local
412 governments in which racetracks are located to be made proportionally.

Financial Institutions, Housing & Urban Development

HB LINKED DEPOSITS (Schuring, K.) To create the business linked deposit program, to permit credit unions to
415 participate in that program, to permit credit unions to participate in the agricultural linked deposit program, and to
■ make other changes to the linked deposit law.

HB SENIOR HOUSING (Barnes, J.) To enact the "Senior Housing Relief Act" to prohibit the sale of delinquent property
418 tax certificates for homesteads owned for at least 20 years by a person aged 65 or older.

Government Accountability & Oversight

HB AGRICULTURAL LAND (Hill, B.) To require that the computation of the capitalization rate for the purposes of
398 determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and
■ to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation
program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.

HB VOTER REGISTRATION (Clyde, K.) To modify the circumstances under which a voter registration may be canceled.
402

Health & Aging

HB AWARENESS DAY (Pelanda, D.) To designate September 26 as "Diffuse Intrinsic Pontine Glioma Awareness Day."
411



HB LICENSE PLATE (Hackett, B., LaTourette, S.) To create the "Pancreatic Cancer Awareness" license plate.
414



HB DRUG INJECTIONS (LaTourette, S.) To authorize a pharmacist to administer by injection certain prescribed drugs.
421



SCRDIAbetes RESEARCH (Balderson, T., Gentile, L.) To urge the United States Congress to increase federal funding
2 for research and development involving advanced medical technology used in the treatment of type 1 diabetes.

Insurance

SB 129 PRIOR AUTHORIZATIONS (Gardner, R., Cafaro, C.) To amend the law related to the prior authorization
requirements of insurers.



HB 416 SELF INSURANCE (Schuring, K.) To enable state colleges and universities to establish joint self-insurance
pools.



Judiciary

SB SEX OFFENDERS (Balderson, T.) To clarify the sex offender registration requirements and penalties.
184



HB IMPORTUNING (Schaffer, T., Smith, K.) To amend the penalties for the offense of importuning.

405

HB REPRODUCTIVE CARE (Howse, S., Lepore-Hagan, M.) To criminalize impeding access to reproductive health care and to create a cause of action for harassment or intimidation of one or more employees of a health care facility.

HB CRIMINAL RECORDS (Antani, N.) To require the Attorney General to select a qualified third party to receive court notices of sealed or expunged criminal records and to require identified data repositories and web sites that receive those notices from the qualified third party to remove those records from their databases.

Local Government

HB BODY CAMERAS (Boyce, K., Grossman, C.) To require law enforcement agencies that use body cameras to adopt written policies for operation of the cameras and to require agencies to make the adopted policies available to the public.

HB EXECUTIVE SESSION (Brinkman, T.) To add to the purposes for which a board of township trustees may go into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds.

State Government

SB AWARENESS MONTH (Seitz, B., Tavares, C.) To designate the month of April as "Genocide Awareness Month."

HB MILITARY RECORDS (Perales, R.) To specify that an order for active military service or other documentation regarding the call to order of an individual in the Armed Forces of the United States or the Ohio organized militia is not a public record.

HB MILITARY RECORDS (Antani, N.) To specify that military records provided by an officer or employee of a township or municipal corporation to the township or municipal corporation for personnel matters are not public records.

SCRTOXIC EXPOSURE (Uecker, J.) To urge the United States Congress to pass and the President to sign into law the 11 Toxic Exposure Research Act of 2015.

Transportation & Infrastructure

SB ROAD NAMING (Skindell, M.) To designate a portion of State Route 2 in Cuyahoga County as the "Governor Richard F. Celeste Shoreway."

SB BRIDGE NAMING (Hite, C.) To designate the "Lt. Col. Ralph D. Cole Memorial Bridge" within the municipal corporation of Findlay.

SB ROAD NAMING (Balderson, T., Peterson, B.) To designate a portion of United States route twenty-three within Pickaway County as the "Army Specialist Gerald R. Jenkins Memorial Highway" and a portion of United States route sixty-two within Pickaway County as the "Army PFC Kevin C. Ott Memorial Highway."

SB ROAD NAMING (Balderson, T.) To designate a portion of the Nelsonville Bypass of United States Route 33 as the "State Senator C. Stanley Mechem Memorial Highway."

SB ROAD NAMING (Widener, C.) To designate a portion of state route 72 in Greene county as the "LCPL Brent Turner U.S.M.C. Memorial Highway."

SB ROAD NAMING (Hughes, J., Bacon, K.) To designate a portion of I-70 in Franklin county as the "Sergeant Adam L. Knox Memorial Highway" and to designate a portion of St. Rt. 7 in Mahoning County after Donald V. Clark.

SB ROAD NAMING (Coley, B.) To designate a portion of State Route 73 in Butler County as the "SPC James E. Hall Jr. 207 Memorial Highway."



HB LICENSE PLATE (Thompson, A.) To create the "I Stand with Israel" license plate...



HB ROAD NAMING (Burkley, T.) To designate a portion of U.S. route 127 in Paulding County as the "U.S. Navy Petty 406 Officer 2nd Class Randall Smith Memorial Highway."



HB LICENSE PLATE (Antani, N.) To create the "National Aviation Hall of Fame" license plate.



HB ROAD NAMING (Sprague, R.) To designate a portion of U.S. Route 30 in Hancock County as the "Congressman 430 Michael G. Oxley Memorial Highway."



Ways & Means

SB BULLION TAXES (Jordan, K.) To exempt from sales and use taxes the sale or use of investment metal bullion and 172 coins.



HB SALES TAX REFUNDS (Schaffer, T.) To allow vendors to deduct or apply for a refund of sales tax remitted for bad 404 debts on private label credit cards used to make purchases from the vendor.



HB TAX EXEMPTION (Green, D.) To exempt from property taxation any retail store operated by a nonprofit housing 409 organization that sells donated items suitable for residential housing purposes.



HOUSE SPEAKER'S APPOINTMENTS

Student Tuition Recovery Authority: Rep. Brenner

Ohio Board of Regents: Rep. Brenner

Labor Management Government Advisory Council: Rep. Young

Belmont County Transportation Improvement District Board of Trustees: Rep. Thompson

Defiance County Transportation Improvement District Board of Trustees: Rep. Burkley

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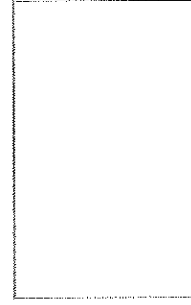
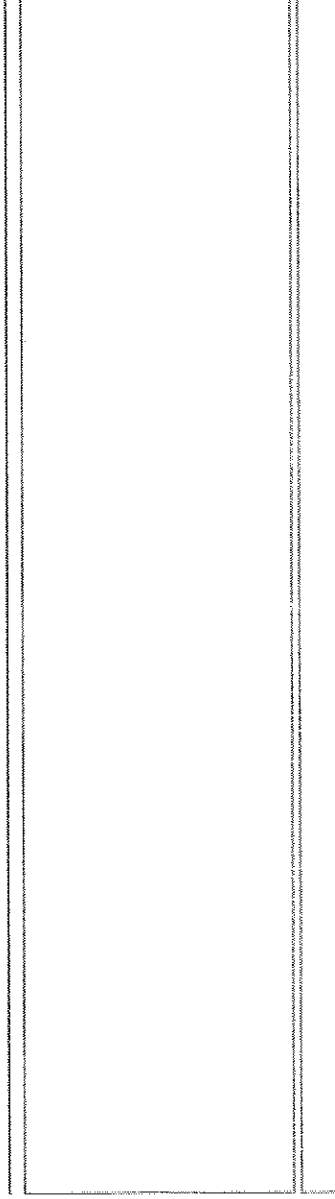
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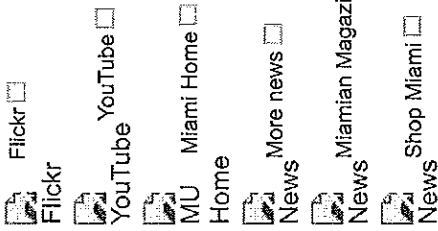
January 2016
Volume 6, Issue 6

*Board of Trustees pass Miami Tuition Promise, a
guaranteed four-year tuition >>*

With a goal of improving student success, trustees passed several measures to provide families with financial predictability, reduce the cost of a Miami education, and further enhance support for degree completion. To learn more details on the plan, click here.


Miami, a leader in preparing students for citizenship >>

This spring's JANUS Forum will be held Wed., March 9, and showcase



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panelists James Carville, Ann Compton and Alex Castellanos, who will talk about the 2016 presidential race. Click here to read an interview with David Hodge, by Qurisha Hendrickson the communication manager with the Jack Miller Center for Teaching America's Founding Principles and History, to learn how the JANUS Forum empowers our students to use their knowledge and skills to improve the future of our society.

[Miami extends its reach into Cincinnati startup community >>](#)

Miami recently launched its Cincinnati Digital Innovation Center (CDI). The program — a collaboration between Armstrong Interactive Media Studies (AIMS) and the Institute for Entrepreneurship — allows students to spend a semester working at digitally-focused startup companies four days a week while earning 16 credits for four different courses, including a senior capstone.

[Miami ranks No. 2 for study abroad participation >>](#)

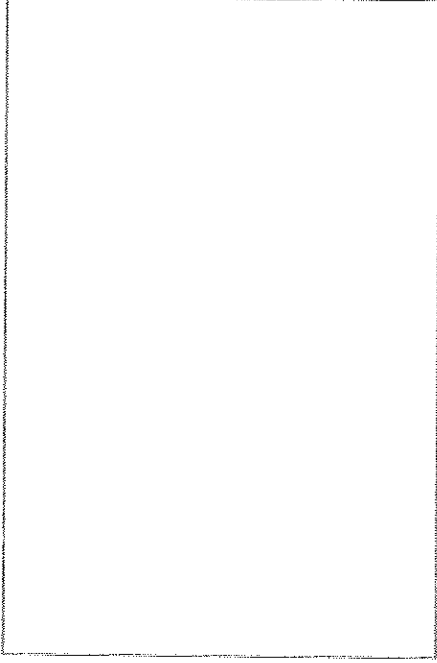
The 2015 Open Doors report ranks Miami No. 2 in the country among public doctoral universities for undergraduate participation in study abroad, with 42 percent of students studying in a foreign country prior to graduation. Miami ranks No. 19 nationwide among all universities for total number of students, both graduate and undergraduate, studying abroad — up from No. 25.

[Climate change is rapidly warming the world's lakes, new research shows >>](#)

More than 60 scientists, including Craig Williamson, Ohio Eminent Scholar of Ecosystem Ecology at Miami, took part in the research, published in the Dec. 16, 2015, issue of Geophysical Research Letters. Funded in part by NASA and the National Science Foundation, the study is the largest of its kind. It is the first to use a combination of long-term hand measurements and temperature measurements made from satellites, offsetting the shortcomings of each method.

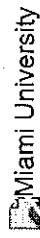
[Lean training at Miami gains weight with a \\$250,000 grant >>](#)

The University is using a grant from LeanOhio to conduct lean training for 27 state agencies plus K-12 school districts. Miami currently has three employees from staff development certified by the state to teach LeanOhio's Boot Camp.



Winter Term 2016

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Tue, Jan 26, 2016 at 12:37 PM

To: latoursm@gmail.com

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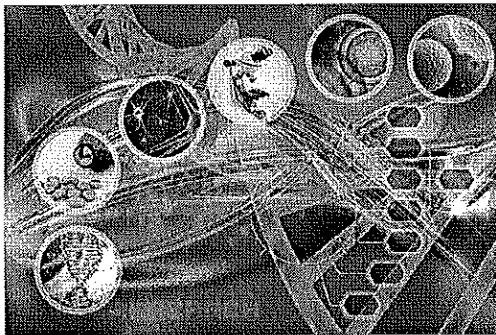


Center for Innovation and Technology

The Center for Innovation and Technology is launching at a crucial time. For far too long dystopian fears have led us down a path to more regulation, more legislation and more paternalism anytime innovation broke through the noise. The time is now to end the exsanguination of innovation. The time is now to cease wrapping innovation in restrictive regulation, and instead revel in creation, invention, improvement and originality.

States have the opportunity to address policy challenges through innovation and experimentation, taking the lead by being the "laboratories of democracy." Most of the challenges are not easy, but innovation is often the way through, and states are best equipped for this challenge. Confronting challenges in these "laboratories" and taking the risks to create a better tomorrow provides a best practices blueprint for other states and the federal government. States are the incubators of solutions. Even when the creative goes astray, the experience provides valuable insight for other states as they grapple with their challenges.

The secrets of America's success at invention are flexibility, the willingness to experiment and learn from mistakes, an inherent love of risk taking, adventure, discovery, entrepreneurship, the internal drive that gives permission to imagine and invent, the freedom to succeed and the freedom to fail...and a sensible government that stays out of the way of the magic. This is innovation.



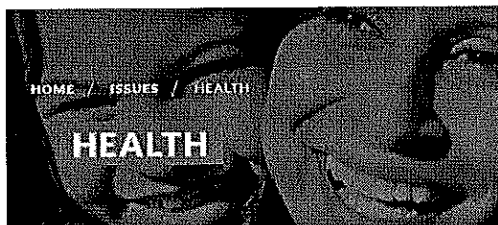
Center for Innovation and Technology Names Chairman

Texas State Representative Phil King (TX-61), the 2015 National Chairman of the American Legislative Exchange Council (ALEC), is the new Chairman of the ALEC Center for Innovation and Technology. The Center provides state lawmakers with guides, data, research and a structure to imagine and create a plan of action for how innovation could benefit their states. Read more

[here](#).

FRIDAY: Opioids Conference Call

Topic: Optimizing Opioids



Date: Friday, January 29
Time: 2:30 PM ET
Participant call-in: 913-489-5302
Conference Code: 4836321

Explore benefits of abuse-deterrent formulations of prescription opioids and opportunities to expand access to treatment and new technologies to

address addiction issues. Report available tomorrow at www.alec.org.

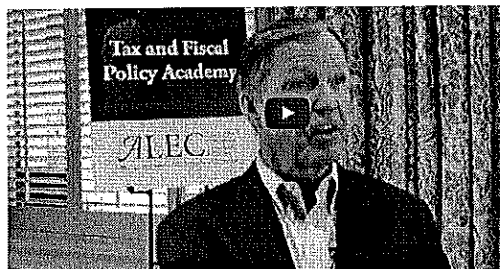
NOW AVAILABLE: *Optimizing the Abuse-Deterrent Opioids Market Executive Summary*



VIDEO: Friedrichs Supporters Stand for Free Speech

Earlier this month, ALEC staff gathered with teachers, parents, legislators and grassroots leaders on the steps of the Supreme Court to support Rebecca Friedrichs, a California teacher who is fighting for her free speech rights in the case Friedrichs v. California Teachers Association. Rebecca and the other teachers bringing the case are fighting for their right to choose not to contribute

"agency fees" to the union, which they argue unfairly forces them to pay for inherently political activity they do not want to support. **Watch the video here.**



Congressman Chris Cox Talks Internet Taxes

Former Congressman Chris Cox of California recently addressed attendees of the 2015 ALEC Tax and Fiscal Policy Academy.

As the original author of the Internet Tax Freedom Act in 1998, Cox talked about how tax burdens and tax complexity continue to be the largest threats to Internet innovation.

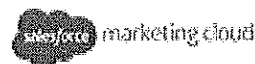
Watch Congressman Cox here.

REGULATORY REFORM

Congressman Chris Cox Talks Policy at ALEC Tax Academy

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Sarah LaTourette Kayser <latoursm@gmail.com>

Ohio Report, Tuesday, January 26, 2016

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>
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Tue, Jan 26, 2016 at 7:32 PM

**GONGWER** Ohio
The Record of Capitol Square Since 1906**Ohio Report for Tuesday, January 26, 2016**

House Passes County Auditor Law Update, Other Measures In First Session Of New Year

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Education Notes: Audit Finds District Overpaid Retiring Employees; YSU Enrollment On The Rise; Stark State Student Center Opening...

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Governor's Appointments

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Agriculture

Government Oversight & Reform

State & Local Government

Finance

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Local Government

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Commerce & Labor

Transportation & Infrastructure

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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #85, Report #16 -- Tuesday, January 26, 2016

House Passes County Auditor Law Update, Other Measures In First Session Of New Year

The House took action Tuesday to scrub the term "mental retardation" from the Ohio Revised Code and make several revisions to how county auditors administer taxes and other duties.

The action came during the first full session of the year, which also saw Democrats vote to appoint Rep. Kristin Boggs to the 18th District seat left vacant by Michael Stinziano's election to Columbus City Council.

The most substantive measure that cleared the chamber in a rare day of unanimity - every bill passed without opposition - was the package of updates (HB 166) backed by the County Auditor's Association.

Sponsored by Rep. Doug Green (R-Mt. Orab), the bill would make a number of changes including an extension of the deadline for filing homestead exemptions or 2 1/2% property tax rollback to the end of the tax year.

The bill also: requires that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail; requires notices of appeals of Board of Tax Appeals decisions be filed with county boards of revision and the county auditor; clarifies the effect of certain certifications related to the repealed personal property tax; repeals laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions and certify the annual state tax interest rate to local courts.

The bill passed 93-0 with no debate after Rep. Green amended it with what he described as corrective language that fixed spelling and code section errors.

In the latest attempt to scour outdated and sometimes offensive statutory references from the state's code, Rep. Jonathan Dever (R-Cincinnati) and Rep. Stephanie Howse (D-Cleveland) won support for a measure (HB 158) that would replace provisions containing "mental retardation" and similar terms with "intellectual disability" and its derivatives.

"It is time that we ensure these individuals are able to hold their heads high and not be labeled with demeaning terms," Rep. Dever said. "Those with intellectual disabilities continue to face a certain derogatory stigma in our society and we must do our part to combat that stigma."

The bill, which also specifies that an intellectual disability is a form of developmental disability, passed 95-0.

Rep. Louis Blessing (R-Cincinnati) and Rep. Al Landis (D-Dover) also were successful in advancing their bill to update professional development requirements for engineers with mandatory continuing education on professional ethics or rules relevant to engineering or surveying practices (HB 236).

The chamber also passed a bill to name a portion of Interstate-670 in Columbus after former Mayor Dana "Buck" Rinehart (SB 60). The late mayor, who served from 1984-1991, was instrumental in obtaining federal funding for the highway connecting the airport to downtown, recalled Rep. Mike Duffey (R-Columbus) and Rep. Michael Curtin (D-Marble Cliff).

Sen. Jim Hughes (R-Columbus), the bill sponsor, and State Auditor Dave Yost issued statements welcoming the passage of the legislation, which now heads to Gov. John Kasich's desk for his signature. Mr. Rinehart died last

February at the age of 68.

"I am pleased to honor this public servant whom I grew up knowing and respected immensely," Sen. Hughes said.

New Member: The chamber started off the session by making the selection of Ms. Boggs official. The Ashtabula native and graduate of Kent State University and Cleveland-Marshall College of Law had already filed to run for the seat in next month's primary election and was selected by a screening committee to fill the seat over two of her primary rivals and another applicant. (See [Gongwer Ohio Report, December 28, 2015](#))

Ms. Boggs previously worked as an assistant attorney general overseeing the legal unit of the Crime Victims Services section.

"There are many important issues being debated at the statehouse, and I will strive to advance policies that keep central Ohio growing in the direction that our residents expect and deserve," MS. Boggs said.

The 37-year-old Italian Village resident is the daughter of former lawmaker Bob Boggs.

Senate Committee Advances Capital Reappropriations Bill Set For Wednesday Floor Vote

A bill that reauthorizes funding for capital projects in the state is slated for a Senate floor vote on Wednesday after advancing through committee in short order.

The Senate Finance Committee on Tuesday approved the measure ([SB 260](#)) that continues funding for \$1.48-billion in state projects that were included in the capital bill but are not yet completed.

Also without discussion, members approved a handful of amendments to include additional reappropriation funds or eliminate them.

Dollars added through some of the changes will go to Department of Natural Resources projects that were "mistakenly" omitted from the original version, Chairman [Sen. Scott Oelslager](#) (R-N. Canton) said.

Included in the \$1.5 million reappropriation for six ODNR projects is \$1 million for Middletown River Center and \$250,000 for Montgomery County Agricultural Facility improvements.

The panel also accepted amendments to reappropriate \$2 million for the Akron Global Business Accelerator as well as funds for roof repairs and replacements in two counties.

An amendment also appropriated \$200,000 to fund Stranahan Theater and Great Hall in Toledo through the Facilities Construction Commission.

Eliminated from the bill were a \$100,000 earmark from the Lucas County Marina, \$100,000 for the Crown Point Conservation Easement and \$69,000 for the Miami and Erie Canal repairs in Spencerville.

Chairman Oelslager passed on bringing up an amendment that would remove an earmark for \$50,000 for the Marseilles Reservoir bulkhead project and put that money instead toward the Josiah Hedges Park Trail of Tiffin. That change is expected to be made on the Senate floor Wednesday when the bill is brought up for a vote, he said.

Members did not revisit concerns raised last week that the bill would repurpose a portion of the funds originally allocated to a lakefront access project in Cleveland to be used instead for a public square redevelopment project in the city. (See [Gongwer Ohio Report, January 20, 2016](#))

The access project was originally slated to receive \$5 million in the capital bill, but the reappropriation measure repurposes \$3.5 million of that for the capital square project.

Sen. Tom Patton (R-Strongsville) said he had received calls from constituents who were worried that change would give a project preference in the next two-year capital bill, which is expected to emerge in early April.

Due to a 90-day lag for such measures, the reappropriations bill must be signed into law by April 1 so project money is not disrupted.

Bill To Require Mandatory Prison Sentences For Importuning Clears House Committee

The House Judiciary Committee on Tuesday unanimously approved a measure to create mandatory prison sentences for those convicted of the crime of importuning.

Under the legislation, a person who attempts to solicit anyone under the age of 16 for sexual activity will be subject to a mandatory prison term if the offender is more than 10 years older than the person he or she is soliciting. If the victim is under the age of 13, a mandatory prison sentence will also be imposed.

The bill "runs directly contrary to the current criminal justice reforms that are taking place in this statehouse," a representative of the Ohio Association of Criminal Defense Lawyers said Tuesday.

Attorney Barry Wilford testified that the bill (HB 405) will strip judges of discretion at sentencing.

"Let's be clear: some offenders of importuning should go to prison, and judges should send them there, which is why a presumption for prison for some importuning offenses exists under current law," he told the committee. "But there are offenders...that do not need to go to prison, and we need to allow judges the discretion to identify them and to shape a criminal sentence which will achieve the purposes of sentencing under Ohio law."

However, the bill's sponsors and two law enforcement officers disagreed with Mr. Wilford's assessment of the measure.

"Every day, dangerous sexual predators hide behind computer screens and attempt to molest our most vulnerable population: our children," Rep. Tim Schaffer (R-Lancaster) said. "It is time that we put forth a strong deterrent, otherwise they will not stop and they will continue to commit more serious and disturbing crimes."

Rep. Greta Johnson (D-Akron) questioned whether the bill would be applied to those under the age of 18.

Rep. Schaffer said that would not be the case. The bill, he said, is aimed at adults who attempt to solicit children.

Rep. Kent Smith (D-Euclid), a former member of the Ohio Internet Crimes Against Children Task Force, testified that those convicted of importuning are sometimes spared a jail sentence and instead placed on probation. He said he found 10 such cases from 2012 to 2014.

"I would suggest that the greater danger is that these ten convicted felons were not sentenced to jail and therefore all 10 could be on-line today or tomorrow or any time," he said. "This is the threat that (the bill) addresses. (The bill) would send these child predators to jail and help protect our kids."

Since 2009, more than 100 individuals have been arrested for importuning after investigations by the Franklin County Internet Crimes Against Children Task Force, according to written testimony provided Franklin County Sheriff's Office Sgt. Jeff Zech.

"A large majority of the individuals convicted of Importuning have never seen the inside of a prison cell," he wrote "The majority of individuals convicted of importuning have been sentenced to probation even though current sentencing guidelines state the presumption of a prison sentence."

He said with the prevalence of technology today, more needs to be done to protect children from potential predators.

"With the speed at which technology is advancing, the number of children being sexually solicited via telecommunications devices is only going to grow," he told the committee. "No longer does a child predator have to hide in the shadows waiting for a child to exploit, they simply log into a computer or mobile device within the safety of their own homes and begin the hunt. Child predators who solicit children online need to face a serious penalty for their actions."

Steven Grubbs, an officer with the Westerville Division of Police, also provided written testimony in support of the legislation. He, too, lamented the fact that those convicted of importuning oftentimes do not receive prison sentences.

"One of the hardest aspects for investigators of these crimes is that most offenders normally do not receive any sort of lengthy jail sentencing," he wrote. "Despite having the 'presumption that a prison term shall be imposed' as it is written in the current Ohio Revised Code, many arrestees are receiving sentences much lighter than that due to judges using discretion and caution during sentencing."

The bill is nearly identical to a bill ([HB 208](#)) that cleared the committee in June, according to Rep. Schaffer.

Bill To 'Defund' Planned Parenthood Expected To Reach Senate Floor Wednesday

A bill to pull state funds from Planned Parenthood is expected to reach the Senate floor Wednesday after having its first committee hearing Tuesday.

A second hearing of the bill ([HB 294](#)) in the Senate Government Oversight and Reform Committee is scheduled for Wednesday morning, with the bill expected to head to the Senate floor at the afternoon session.

While the bill doesn't specifically name the organization, it would pull \$1.3 million in funding from Planned Parenthood by keeping the Ohio Department of Health from providing funding to any organization that promotes non-therapeutic abortions as part of programs aimed at, among other things, fighting breast and cervical cancer, violence and HIV/AIDS.

Committee Vice Chair Sen. Bill Seitz (R-Cincinnati) asked if there were any changes or new developments since the committee reported an identical bill ([SB 214](#)) late last year. (See [Gongwer Ohio Report, October 21, 2015](#))

"Unless anything has changed, this is a done deal," he said.

House Speaker Cliff Rosenberger (R-Clarksville) told reporters after session Tuesday he expects the bill to be headed to the governor's desk Wednesday and that the House would not have to concur on any Senate changes.

Asked if he believed its passage would be a boost to Gov. John Kasich's presidential aspirations, the speaker said, "I don't know that it's a good thing for him to sign it for the primaries. It's a good thing for him to sign it for good public policy, period."

Mr. Rosenberger said the House was not conducting its business based on the timing of the upcoming primary elections for Mr. Kasich or his own members.

"We're moving bills based on the quality and what's going to help serve Ohioans and that's what we're going to continue to do regardless of whether we're about to face a primary or not," he said.

The speaker also said that the governor's work on the presidential campaign trail is not impacting policy.

"I think we've proven for the last year that it's still business as usual in the state of Ohio," he said, adding that he regularly interacts with Mr. Kasich.

"The governor is still leading Ohio at the same time he's running his campaign, so I don't know that it's much of an issue."

Sponsor Rep. Margie Conditt (R-Liberty Twp.) said patients who currently receive those kinds of services through Planned Parenthood would have hundreds of other centers and organizations throughout the state that don't provide abortions to visit.

"Some people have argued that this legislation will harm the funding of women's health, but I don't see it that way," Rep. Conditt said. "I see it helping women and children by focusing the dollars on staying healthy."

The bill's other sponsor, Rep. Bill Patmon (D-Cleveland), said the funding, while required to be separated from the money used to pay for abortions, indirectly helps fund the abortions when it goes to Planned Parenthood.

"Despite your personal feelings on life, I think we can all agree that when you sign a contract to receive money from the state or federal government that money should be used for the purpose it was earmarked," he said.

Sen. Capri Cafaro (D-Hubbard) asked Rep. Patmon if he knew the money intended for other programs was being used to fund abortions.

"I would love to know if there are any circumstances that you're aware of where tax dollars are being used specifically for the payment of non-therapeutic abortion services," she said.

She also questioned if the other agencies and centers could support the influx of patients who were no longer able to obtain these services through Planned Parenthood. Rep. Patmon said there are plenty of agencies that he expects will be able to handle it.

Though Tuesday's hearing was scheduled for sponsor testimony, Chairman Sen. Bill Coley (R-Liberty Twp.) said he would allow 21 people to testify on the bill. Dozens more submitted testimony to the committee.

Dr. Kathleen Lutter, an obstetrician and gynecologist, said other doctors are able to provide better levels of medical care than Planned Parenthood, and the recently widened access to health insurance makes the organization's other services less necessary.

"Three decades ago, Planned Parenthood did indeed provide primary wellness care for a minority of uninsured college-age women who could not afford care elsewhere," she said. "Today, as a result of the comprehensive coverage from the Affordable Care Act, these same women receive care from their pediatricians, their family doctors and their OB-GYNs under their parents' plans."

Kelly Novak, director of education and outreach for Planned Parenthood of Greater Ohio, said she's always received exceptional care at Planned Parenthood.

"This proposed bill would eliminate funding for Planned Parenthood's educational programs would leave thousands of people uncertain of where to turn for compassionate care; comprehensive, medically accurate education; or vital resources for every unique of community," she said.

Kelli Arthur Hykes, director of public health policy for Columbus Public Health, said the bill would restrict the office's ability to partner with local hospitals and other organizations beyond Planned Parenthood because they perform abortions.

"The definition of the word 'promote' in this bill is very far reaching," she said. "CPH interprets this to mean that having a contract with, or to affiliate with all the local hospital systems in our jurisdiction would be prohibited. The hospitals in our community either provides abortion, has physician's on-staff or with privileges that provide abortion services, and/or refer their patients to abortion providers. Local abortion providers are also required to have hospital patient transfer agreements on file. Therefore, we wouldn't be able to work with any hospital in our jurisdiction."

Claire Boettler, president of the Ohio Public Health Association, presented interested party testimony asking that lawmakers look at how the bill would affect the health centers that provide certain government-funded services, including some cancer screening and infant mortality prevention programs, that Planned Parenthood would no

longer be able to provide. Women enrolled in the Breast and Cervical Cancer Prevention program, for example, would have to go somewhere else for exams, she said. If the other centers weren't able to handle the increased demand, it could lead to a later diagnosis.

"It is the position of the OPHA that the Ohio women who depend on these programs deserve to have their needs fully considered and provided for prior to a final decision on whether to enact this legislation," she said.

Subscribers Note: More testimony can be found on the [committee's website](#).

House Panel Debates Fraud Risk With Online Voter Registration

Members of a house panel questioned Tuesday whether a proposal to allow online voter registration would greatly increase the risks of voter fraud in Ohio.

Chris Long, president of the Ohio Christian Alliance, urged the House Government Accountability and Oversight Committee to considering delaying implementation of online voter registration until after November's election, citing worries about online security.

"When it comes to the value of the voting process in our republic, we need to proceed with extreme caution before the suggestion of online voter registration is seriously considered," Mr. Long said.

"This is no time for a cavalier attitude concerning the voter integrity process in Ohio. At a minimum, our suggestion is to delay the implementation of this legislative proposal until 2017, and that a trial run should be conducted to assure that the security of the website platform can be verified before full implementation of online voter registration in the State of Ohio."

The bill, sponsored by [Sen. Frank LaRose](#) (R-Copley Twp.), would allow the Secretary of State to create a system by which Ohioans can register to vote online using signatures the secretary would obtain from the Bureau of Motor Vehicles.

[Secretary of State Jon Husted](#) has urged the committee to pass the measure in time for it to be implemented for the November election. (See [Gongwer Ohio Report, January 12, 2016](#))

[Rep. Ryan Smith](#) (R-Bidwell) asked Mr. Long if he didn't believe technology existed to secure the online voter registration system, similar to how banks track spending and alert consumers if their financial information has been stolen and misused.

"Do you not think that those technological advancements are there to protect us from that?" Rep. Smith asked.

Mr. Long said the main concern was implementing such a new system ahead of an important presidential election, on in which Ohio will play a key role.

"I think we need to side on the side of caution for the public's good and their concerns of what might actually be a problem," he said.

[Rep. Kathleen Clyde](#) (D-Kent) asked if the current system at the Secretary of State's office that allows voters to change their addresses online, which would likely be expanded to allow new registrations, demonstrates the viability of the proposal.

"Isn't three-and-a-half years of testing a system enough?" she asked.

Mr. Long said he was not familiar with the integrity of that system.

Chairman [Rep. Tim Brown](#) (R-Bowling Green) said he was not aware of any problems with that system or with the computer system that paper voter registrations are entered into.

"I'm not aware of any hacking problems there or instances where someone's address has been changed without their knowledge or changed in a way that would prevent that person from voting," he said.

He also said he believed the bill would not mandate that the system be in place by the November election, and that the Secretary of State's office is already ready to implement the system whenever it is allowed. He said they initially wanted to have it ready for the spring's primary election.

Answering questions from Rep. Doug Green (R-Mt. Orab), Mr. Long said if an amendment were offered to delay the implementation to 2017, his group would stand clear of the bill.

"There is not enough time on the calendar to get this right," he said. "It's about timing, more than anything else."

Report: Violence Down In State Prison System, CIIC Attributes Decrease To Three Tier System

The rate of violent infractions in Ohio's prison system has decreased 11.8% from its peak in 2011, according to a report released by the Correctional Institution Inspection Committee.

The report attributes the drop to Department of Rehabilitation and Correction Director Gary Mohr's implementation of a three-tiered plan designed to address disruptive inmates.

"The three tier prison system was designed to reduce violence and to enhance opportunities for meaningful activities in order to better prepare offenders for release from prison," DRC spokeswoman JoEllen Smith said.

"All DRC institutions are continuing to analyze incidents of violence in an effort to identify additional opportunities for further violence reduction. Violence reduction will continue to remain a top priority for the agency."

Director Mohr's plan consists of the "reintegration community," "general population" and "control."

The "reintegration community" is comprised of inmates "who have demonstrated consistent, pro-social behavior and are dedicated to their rehabilitative case plan," according to the report.

Inmates in the "reintegration community," the report found, are moved to specialized housing and receive access to programs and services that prepare them for reentry into the civilian world.

"General population" allows for "incremental increases in autonomy and freedom of movement with similar perimeter security, so all inmates can be encouraged to engage in pro-social behavior and follow institutional rules," according to the report.

The highest level of security in the three tier system, "control," is "designed to prevent the disruption of safe prison operations by violent and disruptive inmates," the report found.

Mr. Mohr "identified that in order for inmates to learn pro-social, rehabilitative values, they first needed to feel safe, meaning that violent and disruptive inmates needed to be separated from the population and placed in secure, controlled facilities," the report found. "In addition, inmates who wanted to achieve rehabilitation needed to be offered opportunities to progress through the system, accessing greater privileges and programs along the way."

The report found that there were a total of 31,231 violent infractions in Ohio's prisons from 2012 to 2014. The Lebanon Correction Institute had the highest number of violent infractions over that time period with a total of 2,595, followed by the Southern Ohio Correctional Facility and the Noble Correctional Institute.

The lowest number of violent infractions occurred at the Franklin Medical Center, according to the report.

The report also found that the Marion Correction Institution had a 73.4% increase in violent infractions in the time covered in the study.

While level three facilities represented just one-fifth of the DRC population, they accounted for one-third of Rule 19 violations in 2014, according to the report.

Surgical Technologists Push For Licensure

Representatives of the Association of Surgical Technologists on Tuesday lobbied for a House committee to support licensure for their profession.

A bill (HB 373) from Rep. Sarah LaTourette (R-Chagrin Falls) and Rep. Steve Huffman (R-Tipp City) would require the State Medical Board to grant licenses for surgical technologists and adopt for the first time continuing education requirements.

The two-year licenses would have a \$150 application fee with a \$100 renewal fee. Obtaining such a license would require graduation from an accredited program and successful passage of an existing national exam for surgical technologists administered by the National Board of Surgical Technologists and Surgical Assisting.

Advocates, during the bill's second hearing before the House Commerce & Labor Committee, said the measure would increase patient safety in the operating room. That's because surgical technologists remain the only member of the operating team that do not require any special education, certification or experience.

AST Director of Government and Public Affairs Catherine Sparkman said she's hoping Ohio joins the growing list of states addressing this issue.

"Passage of HB 373 will obviate this alarming disparity and insure that all personnel caring for patients undergoing surgery are appropriately educated, clinically trained and competent," Ms. Sparkman told committee members.

She said other states have responded to the issue by either requiring registration or placing mandates on hospitals and surgical centers. Ohio's approach through licensure, she said, "creates a consistency with other members of the surgical team." Of states that have taken action, only Illinois adopted a licensure approach similar to that proposed for Ohio.

"Whatever the structure, licensure, as provided by HB 373, will place Ohio in the same category of many other states that are protecting patients by setting minimum education and competency standards for surgical technologists," she said.

Geri Johnson, a surgical technologist of 25 years, explained the role of surgical techs, which she said maintain a sterile operating field, mix medications and more.

Ms. Johnson said about 3,700 surgical technologists are currently operating in Ohio, about 2,000 of which already carry the national certification in question.

Under the bill, a technologist who has been working for six months prior to the bill's effective date would be grandfathered in and not required to receive licensure. But they would be required to meet continuing education requirements under the bill.

LPN/CST Mary Lou Johnson-Shaffer, also representing AST, said the surgical technologist profession developed following World War II when the country faced a shortage of nurses.

"Medical technology has since exploded," Ms. Johnson-Shaffer said. "Basic surgeries using only a few instruments 70 years ago now require a whole room full of highly technical, sophisticated, potentially dangerous equipment including, laparoscopic instruments, staplers, TV cameras and monitors, fiber optic lights, robots and lasers. A little on the job training of the past now requires a formal education to meet our goal of patient care."

She said a 1999 Institute of Medicine report found more than 98,000 patients die each year from preventable medical errors, including from infection acquired in the operating room. In 2011, she said, the Centers for

Disease Control and Prevention found 722,000 patients had acquired infections in hospitals.

"Other cases of potential harm in the OR include foreign objects left in surgical patients, wrong-site surgery, wrong patient surgery, falls, medication errors, positioning patients and fires. It is estimated there are 550-650 fires in the OR yearly," Ms. Johnson-Shaffer said. "Every year, 20-30 patients suffer disfigured burns resulting in at least 1-3 deaths. Having competent surgical technologists in the OR reduces these errors."

Rep. Ron Hood (R-Ashville) questioned witnesses several times on whether a state mandate was necessary.

"To some of us on the committee, it's kind of offensive to say, 'Oh, gee, you folks can't do your jobs properly. We have to tell you how it's going to be done,'" he said. "Why do we need a state mandate?"

Because you can still hire uncertified surgical technologists, Ms. Johnson-Shaffer said. "It does happen in Ohio," she said.

"So as a hospital administrator I can totally be guaranteed if a state mandate's in place I'll never have to worry about any of these incidences happening in my hospital?" Rep. Hood replied.

"That's not what we said," Ms. Johnson-Shaffer said. "We said you'd have a better chance of it not happening when you have the properly educated people.... You've got a better chance than if you had nothing."

Lawmakers Say State Microbead Ban Needed Despite Federal Law

Sponsors say Ohio lawmakers should ban microbeads from consumer products despite a similar ban recently passed by Congress.

A bill (HB 400) from Rep. John Patterson Jr. (D-Jefferson) and Rep. Kent Smith (D-Euclid) would outlaw the synthetic particles found in personal care and beauty products.

Experts say those particles wash down the drain, escape sewage treatment plants and are then discharged into rivers and lakes where fish mistake them for food. The beads can also release toxins that may eventually pose a risk to humans and wildlife.

But sponsors, before the House Commerce & Labor Committee Tuesday, said their bill touches on several areas the federal law - signed by the President last month - does not.

During the bill's first hearing, Rep. Kristina Roegner (R-Hudson) asked sponsors how the two laws would differ. Rep. Patterson said the timeline for removing products from shelves is similar in both measures. Both call for production to cease sometime in 2017 and the products to be removed from shelves in 2018.

But the House bill includes penalties the state can levy against violators, he continued.

"There are no such penalties for the federal law," Rep. Patterson said. The bill would fine violators \$1,000 per day while in violation. Each subsequent violation would result in a civil fine not to exceed \$2,500 per day.

Another component in the Ohio bill not included in federal law is a consumer education program to be launched by state agencies. That will be crucial, he said, in teaching the public how to dispose of products that could remain in homes well after the ban takes effect.

"Conversations with interested parties and representatives of both state and federal agencies revealed that all had overlooked one pertinent fact: no one had considered how to best dispose of such products," Rep. Patterson said. "At a minimum, H.B. 400 would require each of these agencies to publish the information on their respective websites and would allow each agency to evaluate the need for the program after 10 years."

Rep. Patterson also said he fears exemptions could be made to the federal ban. A state-level ban, he said, would help guard against that.

"If you trust the federal government to continue on with the path they've set out then there might not be a need for this," Rep. Patterson said. "But we know how that works and should that be altered I want to make sure."

Rep. Smith said 26 other states have introduced legislation to ban microbeads. Eight have already enacted such legislation - including Indiana, Illinois and Wisconsin.

"One of the reasons, I believe, that microbead bans have passed both federally and in other states is that natural alternatives exist," Rep. Smith said. "Some of those natural alternatives could include ground almonds, walnut shells, oatmeal, coconut husks, salt and pumice."

Rep. Ron Young (R-Leroy) asked what medical evidence exists to show microbeads pose a threat to humans.

Rep. Patterson said contaminants, such as cancer-causing PCBs, can latch onto the beads. He also urged members to think of the impact of these plastic beads, which won't degrade anytime soon, constantly accumulating in the water supply.

Rep. Smith said the science on the issue is emerging and developing quickly.

"To your question have any humans been harmed of this: no, not yet, but the food chain is clearly being affected," he said.

Rep. Michele Lepore-Hagan (D-Youngstown) questioned what financial impact the bill would have on companies that sell the products. Rep. Patterson said that by giving companies adequate time to make the adjustments it will not impact their bottom line.

House Panel Reports Resolution Urging Expeditious Construction Of New Soo Lock

A House panel voted Tuesday to urge quick action by federal authorities to free up Great Lakes commerce with improvements to locks at Sault Ste. Marie, Michigan.

The House Transportation and Infrastructure Committee unanimously adopted a resolution (HR 263) urging Congress, the Obama Administration and the U.S. Army Corps of Engineers to ensure national security and unfettered commerce through the Great Lakes with the expedited construction of second large vessel lock at the location.

Only one aging lock - the Poe Lock - can accommodate upwards of 10,000 Great Lakes vessels carrying iron ore, coal and other cargo to manufacturers below the locks, according to the measure.

The Army Corps of Engineers has determined the Soo Locks to be a single point of failure for the Great Lakes Navigation System, and if a failure occurs could prove disastrous to the state, regional and national economies. Congress has authorized the construction of a modern, size-appropriate lock, however, errors in the feasibility study are preventing the construction from going forward at this time, the resolution states.

The resolution calls for the Corps to take expeditious action in acknowledging the national security need from maintaining the Great Lakes Navigation System and to properly account for the limitation of transportation resources if a lock outage occurs in the preparation of an Economic Reevaluation Report.

Rep. Mike Dovilla (R-Berea) said in sponsor testimony that Soo Locks is the most critical infrastructure "choke point" in the Great Lakes providing access from Lake Huron to Lake Superior and Lake Michigan. Pointing out the role of manufacturing as the backbone of the state's economy and the role the Great Lakes play in ensuring the necessary raw materials to fuel the industry, Rep. Dovilla reported that the Poe lock handles 70% of all cargo and is now working beyond its designed operational life and could have to undergo substantial maintenance with the potential of causing unscheduled outages.

Relying on one lock with no redundancy poses a national security risk to the economies of Ohio and the rest of the nation, he said. Any long-term outage lasting six months or more due to failure or terrorist attack could

cripple the economy, he said, adding that three-fourths of all steel production would cease and nearly 11 million people could be unemployed.

"It is of the utmost importance that the locks are upgraded to protect the livelihood of not only the manufacturing industry as a whole, but also the hard working men and women who work in our ports all along Lake Erie," Rep. Dovilla told the panel.

James Weakley, president of the Lake Carriers' Association that represents 15 companies operating 56 U.S.-flag vessels that carry more than 100 million tons of cargo per year through the Great Lakes, said the vital link represented by the Soo Locks is also the greatest weakness of the system.

With more than 90% of all iron ore feeding the nation's integrated steel mills coming from Minnesota and Michigan mines along Lake Superior, the first lock named after Orlando M. Poe was originally constructed for redundancy purposes but now is the only lock that can handle the 13 thousand-foot lakers and 19 other U.S.-flagged vessels, he said. Mr. Weakley cited U.S. Corps of Engineers stats showing that 59% of all Canadian and American lakers transiting the Soo Locks are limited to the Poe.

Mr. Weakley said an episode experience last summer highlights the importance of maintaining the Poe and redundancy. He reported the MacArthur Lock was down for 20 days forcing all traffic to the Poe delaying delivery of 1.9 million tons of cargo on U.S.-flagged vessels. He added that had the Poe gone down instead of the MacArthur, 32 U.S.-flagged Poe-restricted vessels would have been trapped above or below the locks resulting in three-quarters of all integrated steel production ceasing within two to six weeks, idling auto, heavy equipment and appliance manufacturing.

In the event of a lock failure, there are not enough trucks, trailers or drivers to get the iron ore from the mines to the mills. He said a truck would have to enter and leave Great Lakes' mills every 15 seconds to supply them with enough Minnesota and Michigan ore, and besides, most mills on the Great Lakes cannot accept iron ore any other way than by ship. He said the Corps of Engineers estimates that Great Lakes shipping saves the U.S. Economy \$3.6 billion annually.

Mr. Weakley said the resolution is moving the process forward. The Michigan Legislature has passed similar resolutions and the importance of the Soo Locks was highlighted in Michigan Governor Rick Snyder's State-of-the-State address just last week. He maintained that with Ohio, Michigan, Congress and the Administration supporting the effort, the new lock will finally transform a pair of locks, built more than 100 years ago, into a secure, redundant and reliable Soo Lock system vital to Ohio, the other Great Lakes states, the nation and the North American economy.

The Consumer Energy Alliance, representing over 400,000 energy suppliers and consumers, weighed in with written proponent testimony, reiterated that the U.S. Army Corps of Engineers has described the Soo Locks as the "Achilles heel of the Great Lakes Navigation System." Chris Ventura, executive director of the group's Midwest offices, said the navigation system is important when considering the efficacy of transporting products and their related fuel costs.

For comparison sake, he wrote that the average "laker" is able to transport one ton of cargo 607 miles on just one gallon of fuel while a tractor-trailer rig can transport the same amount of cargo only 59 miles and a train 514 miles on that same amount of fuel. This differential, he concluded, saves consumers over \$3.6 billion in transportation costs along with reductions in greenhouse gas emissions.

Education Notes: Audit Finds District Overpaid Retiring Employees; YSU Enrollment On The Rise; Stark State Student Center Opening...

Auditor Dave Yost on Tuesday released the results of nearly 40 school districts and higher education institution audits, including one that found teachers had received too much in unused sick time reimbursements upon retirement.

The Plain Local School District in Stark County overpaid 11 retirees by about \$6,000 in 2015, an audit found.

The money was paid back immediately and district officials maintained that the rules about how to pay out unused sick days "can be interpreted in two different ways."

"The district agrees that the payments were in excess of the historic interpretation of the contracts but does not agree that the payments were illegal as they were supported by a reasonable interpretation of the contracts," officials said in response to the auditor. "Each of the former employees impacted acted with speed to repay the contested amounts and should be commended for their actions rather than being greeted with a finding for recovery."

Despite the chilly response to the finding, the auditor's office maintained its position.

Enrollment: Youngstown State University announced that enrollment has increased for the first time in five years.

There are 12,361 students enrolled in the spring semester, which represents a 0.33%, or 41 students, from last spring semester, according to the university. It's the first semester-to-semester increase since spring 2011.

Fall semester enrollment has been decreasing since 2011, but Gary Swegan, associate vice president for Enrollment Planning and Management, said the university expects enrollment to increase this year.

"Over the course of the past two years, we have worked hard to establish a comprehensive and sustainable enrollment infrastructure that we believe provides a foundation for the continued growth of our student population," he said.

Total enrollment was down 0.7% this past fall semester, but the university saw a 13.5% increase in the number of freshmen, a 20% increase in the number of new students and a "significant increase" in the number of freshman retained, YSU said.

Student Center Opening: Chancellor John Carey is kicking off the grand opening of Stark State College's new Gateway Center on Wednesday.

The center, which is being billed as a "one-stop student services center" will house the college's admissions office, financial aid office, student advising, career development, veterans services, registration, testing areas and enrollment operations, according to the Department of Higher Education.

The project was funded in part through the Campus Targeted Workforce Development Expansion Grant, which was awarded to six community colleges.

Student Politician: A Perry County student who attends Ohio State University's Newark campus is pulling double duty as a member of the Thornville Village Council.

The university is highlighting the life of Olivia Newbold, a high school senior, College Credit Plus participant, cheerleader and civic leader.

She told OSU that she sometimes has to skip cheering at basketball games to attend council meetings, but proving her dedication to her constituents is a must.

"I had to work hard at making people understand that this was a serious thing for me, and I did seek a position on council to make a difference," Ms. Newbold said. "I understand that any young person trying to break in to a professional field has to work hard to be taken seriously."

She said she plans to attend OSU's Newark campus as a freshman with plans of majoring in political science or environmental engineering before continuing to law school.

Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the [Gongwer website](#).

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to gongwer@gongwer-oh.com.

Governor's Appointments

Ohio Board of Motor Vehicle Repair: Christopher S. Sterwerf of Liberty Township (Butler Co.) was reappointed for a term beginning Jan.26 and ending Jan. 1, 2019.

Supplemental Agency Calendar

Thursday, February 11

State Chiropractic Board, 16th Fl., 77 S. High St., Columbus, 9 a.m.

Supplemental Event Planner

Wednesday, February 10


Ohio Lobbying Association Legislative Reception, Sheraton Downtown Columbus, 75 E. State St., Columbus, 5:30 p.m., (RSVP to info@ohiolobby.org)

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Click the  after a bill number to create a saved search and email alert for that bill.

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House Activity for Tuesday, January 26, 2016

INTRODUCED

HB AWARENESS DAY (Sheehy, M., Patterson, J.) To designate February 17th as "Annie Glenn
431 Communication Disorders Awareness Day." Am. 5.289

HB STATE LAW (Rezabek, J.) To revise the law governing decedent's estates by making changes in the Ohio
432 Trust Code, the Probate Law, the Uniform Principal and Income Act, the Transfers to Minors Act, and the
Uniform Simultaneous Death Act. Am. 2101.16, 2105.02, 2105.14, 2105.31, 2105.32, 2105.33, 2105.34,
2105.35, 2105.36, 2105.37, 2107.07, 2107.10, 2109.62, 2111.131, 2113.86, 5801.10, 5803.02, 5804.02,
5808.16, 5812.32, 5812.46, 5812.51, 5814.01, 5814.02, 5814.03, 5814.04, 5814.05, 5814.06, 5814.07,
5814.08, and 5815.23; to amend, for the purpose of adopting new section numbers as indicated in
parentheses, sections 2105.39 (2105.38) and 5814.09 (5814.10); to enact new sections 2105.39 and 5814.09
and sections 2105.40, 2127.012, and 5802.04; and to repeal section 2105.38

HB BROAD NAMING (Grossman, C.) To designate a portion of State Route 62 in Franklin County as the "Lance
433 Cpl. Eric J. Bernholtz Memorial Highway." Am. 5534.17

HB AWARENESS MONTH (Baker, N.) To designate March as "Fibromuscular Dysplasia Awareness Month."
434 Am. 5.232

HB STATE FINANCING (McClain, J.) To authorize the Treasurer of State to issue revenue obligations of the
435 state for the purpose of making loans to qualifying public entities for their acquisition of permanent
improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.
Am. 158.01, 158.02, 158.03, 158.04, 158.05, 158.06, 158.07, 158.08, 158.09, 158.10, and 158.11

HB DUI SENTENCES (Cupp, R., Rogers, J.) To authorize a judge that grants limited driving privileges to a
436 second-time OVI offender to order the termination of the mandatory immobilization order. Am. 4510.13

PASSED

SB ROAD NAMING (Hughes, J.) To designate a portion of Interstate Route 670 as the "Dana G. 'Buck'
60 Rinehart Highway."

93-0

Gongwer Coverage

HB DISABILITY TERMS (Dever, J., Howse, S.) To change the variations of the term "mentally retarded" to
158 "person with an intellectual disability."

95-0

Gongwer Coverage

HB TAX LAWS (Green, D.) To extend the deadline for filing an application for the homestead exemption or 2 **166** 1/2% property tax rollback to the end of the tax year, to require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, to require that notices of appeal from a decision of the Board of Tax Appeals originating with a county board of revision be filed with that board and the county auditor, to clarify the effect of certain certifications related to the repealed personal property tax, and to repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts.

93-0 (Amended)

Gongwer Coverage

HB PROFESSIONAL ENGINEERS (Landis, A., Blessing, L.) To require professional engineers to complete **236** continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices.

91-0

Gongwer Coverage

CALENDAR FOR COMING SESSION

SB TAX LAWS (Peterson, B.) To expressly incorporate changes in the Internal Revenue Code since March 22, **2** 2013, into Ohio law, and to declare an emergency.

HB WINE SALES (Manning, N.) To establish the F-10 liquor permit to authorize certain A-2 permit holders to **178** sell Ohio wines at farmers markets.

HB ROAD NAMING (Maag, R.) To designate a portion of state route forty-eight within Warren county as the **256** "SFC Bobby Lee Estle Memorial Highway."

HB WINERY PERMITS (Young, R.) To create the Ohio Farm Winery Permit.
342

HB ADDRESS CONFIDENTIALITY (Duffey, M., Gonzales, A.) To create the address confidentiality **359** program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, sexual battery and other crimes.

HB HIGHER EDUCATION AUDITS (Schaffer, T., Duffey, M.) To specify that state institutions of higher **384** education may be subject to performance audits conducted by the Auditor of State.

ADOPTED

HR 298. (Rosenberger). Relative to the appointment of Kristin Boggs to the 18th House District. VOTE: 29-0 (Democrats only)

COMMITTEE HEARINGS

Local Government

HB TREASURER FEES (Hackett, B., Ryan, S.) To adjust the fees allowed to county treasurers for collecting **252** property taxes. (CONTINUED; 2nd Hearing-Proponent)

The bill would allow for "very modest increases in the percentage of the fees collected on property tax collections within each county each year," according to Brad Cole, the managing director of research at the County Commissioners Association of Ohio.

"Under existing law, the county treasurer and the county auditor are allowed settlement fees on the collection of property taxes and assessments. These fees are collected in connection with the treasurers' and auditors' duties in collecting and disbursing property taxes to schools, municipal corporations, townships, and county agencies eligible to receive such property taxes," he said. "These fees are deposited into the county general fund and, thus, are used to support the funding of county government services."

Under the bill, the adjustment of the fee schedule would increase local government revenues by \$1.2 million in 2016, according to the Legislative Service Commission.

Crawford County Treasurer Gary Cole, testifying on behalf of the County Treasurers Association of Ohio, said the fee schedule has not been updated since 1986.

The proposal, he said, would create more equity than the current formula, although he acknowledged that the bill is not perfect.

Chairman Rep. Anielski asked about the flaws in the proposal and how it could be perfected.

Mr. Cole said that there is likely no way to develop a perfect proposal and he said it is flawed because if the state average of settlement decreases, counties would see a drop in revenue.

Rep. Rogers questioned how the additional revenue would be spent.

Mr. Cole explained that the money typically goes into the county's general fund and is then dispersed to the treasurer's office. He said the additional funding, which is estimated to be more than \$13,000 per county, could be used to pay for salary increases recently approved by the General Assembly.

HB911 LEVIES (Brenner, A.) To authorize a county, township, or municipal corporation to impose a 9-1-1 277 system levy in only the portion of the subdivision that would be served by the 9-1-1 system. (CONTINUED
(No Testimony); 3rd Hearing-Opponent & interested party)

HB COURT JURISDICTION (Craig, H., Grossman, C.) To specify the jurisdiction of municipal and county 335 courts over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. (CONTINUED (No testimony); 3rd Hearing-Opponent & interested party)

HB SMALL CLAIMS COURTS (Terhar, L., Dever, J.) To raise the maximum allowable limit of the monetary 387 jurisdiction of small claims divisions of municipal courts. (CONTINUED; 2nd Hearing-Proponent)

Proponents, both of whom represented business interests, told committee members that it will bring Ohio in line with other states.

Brandon Ogden, director of the Small Business Council for the Ohio Chamber of Commerce, said the measure "provides a much needed change to the small claims court maximum to allow for more efficient resolution of disputes."

"Currently, Ohio's small claims court cap is one of the lowest in the country and has not been raised in nearly twenty years," he said.

The measure would double the cap, from \$3,000 to \$6,000.

"For many businesses, filing a lawsuit in a higher court for a low dollar amount claim simply is not justified due to the cost and time associated with doing so," Mr. Ogden said. "Small claims court provides a less costly venue to adjudicate these disputes. The relaxed rules and quick decisions provide small businesses with an easier and more efficient method to resolve claims that otherwise may not be filed."

Chris Ferruso, legislative director for the National Federation of Independent Business, echoed those sentiments.

"Small claims courts were originally established to provide a venue for attempted recovery of lesser amounts of money or debts through a more simple process than other levels of courts," he said. "Small-business owners have limited resources, and seeking recovery in a higher court which includes attorneys' fees and court costs, can force a small-business owner to forgo seeking recovery if potential costs to bring a suit outweigh the potential recovery, or seek a lesser amount than owed to avoid these additional costs."

The current cap has not been adjusted for nearly two decades, according to Mr. Ferruso, who also noted that the national average is \$7,000.

"Ohio would not be an outlier, and in fact would still remain below the national average, comparable with our neighboring states," he said. "We feel the increase is justified to bring Ohio in line with other states."

HB EXECUTIVE SESSION (Brinkman, T.) To add to the purposes for which a board of township trustees may **413** go into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds. **(CONTINUED; 1st Hearing-Sponsor)**

The bill is designed to allow township governments across the state to operate "more efficient with a modern edge," according to its sponsor, Rep. Brinkman.

"The Township Omnibus bill seeks to address several issues and concerns that are facing townships in Ohio," he said. "I have been working very closely with the Ohio Township Association on this bill."

Rep. Brinkman said he has worked to avoid controversy with the bill, and called on his colleague to continue in that vein through the committee process.

"This bill is meant to be as uncontroversial as possible and I'm hoping this committee will consider only those changes that continue to make this bill passable," he said.

Subscribers Note: For full testimony, visit the committee's [website](#) under Jan 26.

Ways & Means

HB TAX EXEMPTION (Buchy, J.) To exempt memberships to gyms or other recreational facilities operated **334** by nonprofit organizations from sales and use taxation. **(CONTINUED; 2nd Hearing-Proponent)**

Ed Bohren, CEO of the Licking County Family YMCA and immediate past chair of the Ohio Alliance of YMCAs, testified in support of the measure and argued that nonprofit groups such as his should never have been shifted to the tax rolls in the 1990s.

That change made Ohio one of only five states that tax nonprofit fitness memberships, he said.

"Ohio YMCAs ask to return to full tax exempt status, as they should be as 501(c)(3)s. Taxing memberships is unjust and runs contrary to our organizations' charitable nonprofit purpose," Mr. Bohren said.

"A YMCA should not have to tax a member, such as a youth that comes after school to a safe place to participate in healthy activities. Activities such as swimming, basketball, or playing chess in a teen room. Or a senior citizen who comes to the Y to participate in activities that help them stay healthy, active, and social."

The witness said the groups provide extensive community benefits beyond being just a "fitness center and a gym."

"YMCAs are charitable, nonprofit, tax-exempt organizations that are dedicated to youth development, healthy living, and social responsibility. Every day we take on challenges that will shape our communities' futures - challenges like the academic achievement gap, chronic disease, and social isolation," he said.

Rep. Henne questioned the fairness of the tax status of such groups compared to for-profit gyms.

Carol Folkerth, executive director of the Jewish Community Center of Greater Columbus, testified in a similar vein and maintained that JCCs are not merely fitness clubs per se, rather they are community center and would like to be treated as such for tax purposes.

JCCs do have health centers but also provide early childhood centers, their largest program, summer camps, senior centers and programs targeting the most vulnerable citizens, she said, adding that 40% of the groups' membership is not Jewish.

JCCs also provide scholarship assistance and services for the visually handicapped and developmentally disabled, Ms. Folkerth said. "We are very much so more than a gym."

The witness said that by lowering JCCs costs with a return to tax exempt status the groups could make programs more accessible.

Asked by Rep. Baker what tax-exempt entities JCCs could be compared with, Ms. Folkerth said early childhood centers and Head Start providers.

Rep. Driehaus commented that her area JCC does a lot of good community work but pointed out that the bill would also exempt golf and country clubs that account for 55% of the revenue impact described in the LSC Fiscal Note.

The fiscal impact of the bill would be \$7-15 million a year based on estimates from the administration and LSC.

HB TAX EXEMPTION (Schaffer, T., Retherford, W.) To exempt the sale of natural gas by a municipal gas **390** company from the sales and use tax. **(REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

The bill was reported unanimously after Rep. Schaffer won support for an amendment giving the Metropolitan Authority of Youngstown more time to discuss a tax status issue regarding one of its properties with the Department of Taxation.

Energy & Natural Resources

HBDEER (Ruhl, M.) To establish a deer sanctuary license to allow a licensee to raise deer, to establish **267** requirements governing such a license, to require the Chief of the Division of Wildlife to issue a wild animal permit to allow a permit holder to rehabilitate deer, to establish procedures that certain law enforcement officers must follow when responding to accidents involving injured or deceased deer, and to require training for those officers regarding humane procedures for euthanizing injured deer. **(CONTINUED-AMENDED; 4th Hearing-Possible amendments)**

Rep. Hagan amended the bill to remove related training requirements for law enforcement. The change, she said, allows for deer to be put down in a humane, efficient manner.

Jodi Proger, a Belmont County resident who has raised a deer as a pet since early in its life, testified in support. Ms. Proger said she raised and trained Wheezer after taking him from the scene of where his mother was killed in a car crash.

She noted that she was visited recently by state wildlife officers who, while respectful, indicated that keeping a deer as a pet was illegal. She said if the bill is passed and deer sanctuaries are allowed, she and her husband would register to host deer on their property at their own expense.

Ms. Proger said other law enforcement officials have visited the deer in the past, and none indicated that it was illegal to keep a deer as a pet.

Rep. Hall said he is hopeful that ODNR is monitoring the legislation and told the witness that rule-related changes that could address the situation can take time.

HCR CLEAN POWER PLAN (Hill, B.) To oppose the United States Environmental Protection Agency's **29** Clean Power Plan. (REPORTED; 2nd Hearing-All testimony-Possible vote)

The resolution was reported on an 11-2 vote with Reps. Howse and Leland in opposition.

Christian Palich, president of the Ohio Coal Association, testified in support, saying the federal Clean Power Plan is an effort to "exert wide-ranging and unfettered control over wide swathes of the American economy in the name of reducing global warming."

Mr. Palich said CPP is a massive regulatory rewrite that the administration is pursuing because it has been able to secure similar changes through elections or the democratic process.

"First and foremost, even if we were to accept the premise underlying the Clean Power Plan that 'global warming' is a manmade phenomenon that we should be concerned about, the Plan doesn't do much, if anything, to reduce global temperature increase," he said.

U.S. EPA figures indicate that the plan, if implemented, could reduce temperatures by 0.019 degrees Celsius by 2100, all at a cost of \$8.4 billion, he said. That total excludes state costs tied to developing compliance plans.

He also argued the CPP "runs roughshod" over the federalism structure and the system for protecting the environment.

Rep. Thompson asked the witness to project what could happen to electric rates if the plan is implemented.

Mr. Palich said Ohio could see double-digit increases by 2030, noting that Ohioans would likely feel higher increases because it has generally lower rates because of the significant use of coal. He also told Mr. Thompson there are legal efforts underway to challenge the plan.

Mr. Palich told Rep. Grossman that states that rely more heavily on fossil fuels will have to cut more than other states, creating a situation where the federal government is choosing winning and losing states based on the availability of natural resources.

Mr. Palich also told Rep. Grossman implementation could be a threat to the jobs of Ohio's estimated 3,000 coal miners.

Rep. Terhar questioned whether the \$8.4 billion price tag includes costs tied to the write-off of coal-fired power plants. Mr. Palich said the estimate only represents the cost of compliance.

Rep. Hall questioned whether a U.S.-based emissions limit will have a significant impact if other major countries don't impose similar restrictions. Mr. Palich said China has indicated it will cap emissions in 2030, but can continue to grow emissions until that date.

Rep. Boccieri asked if coal industry layoffs could also be tied to the gradual replacement of coal with natural gas as a fuel source. Mr. Palich said federal regulation is the key factor impacting coal mining jobs.

Mr. Palich added the industry is supportive of the free market driving innovation, telling Rep. Howse that the industry will have far less capital for innovation if the CPP takes effect.

The witness also told Reps. Hill and Terhar that there is no technology commercially available that can be used for carbon capture.

Chris Ventura, executive director of the Consumer Energy Alliance-Midwest, also offered written testimony in support.

He urged lawmakers who are reviewing energy policies to consider how prices impact low-income and fixed-income families. "Not surprisingly, low-income families spend a larger percentage of their disposable income on electricity, heating costs and transportation fuels than other income brackets," he said. "Unlike other necessities like housing, food and healthcare, energy consumers oftentimes cannot shop around for cheaper resources nor do federal and state governments have sufficient resources allocated to fully assist with energy bills."

He said his group has filed comments on the CPP that raise concerns about cost, reliability, expansion of renewables and the treatment of nuclear power.

The Ohio Environmental Council submitted a Green Paper detailing its opposition to the resolution.

The group said the Clean Power Plan actually advances the availability of reliable, abundant, low-cost energy. "Some claim the CPP has sounded the death knell of fossil fuels," it said. "In reality, under the rule, coal and natural gas will remain the two leading sources of electricity generation, each providing more than 30% of projected generation in 2030."

OEC added that over the same time, large-scale wind and solar capacity would double, helping reduce air pollutants and reducing the average American's utility electric bill by an estimated \$8 per month.

HCRPIKETON PLANT (Rosenberger, C., Johnson, T.) To urge Congress and the United States Department of Energy to reverse the decision to terminate funding of the American Centrifuge Program at the American Centrifuge Plant in Piketon, Ohio. **(REPORTED; 3rd Hearing-Possible vote)**

Chris Ventura, executive director of the Consumer Energy Alliance-Midwest, offered written testimony in support.

He said the group feels that a balanced mix of electricity sources - based on affordability and reliability - is the best option for consumers.

"CEA also believes a balanced electricity mix must take into account energy security," he said. "Energy security can be defined as the relationship between a country's ability to meet its energy needs and a country's access to affordable supplies of energy."

He said several factors - including "geopolitical relationships" - can impact energy security factors.

Mr. Ventura added that the U.S. Department of Energy's decision to not fund the American Centrifuge Plant in Piketon will jeopardize one of the most important pieces of the nation's nuclear supply chain.

"Provided the dual importance of ensuring that nuclear energy remains an option to produce clean, carbon-free baseload power generation and that the U.S. has access to secure, domestic energy supplies, the necessity of the American Centrifuge Plant is clear," he said. "Because of this, it is essential elected officials at all levels of government convey their well-founded concerns to the DOE."

Government Accountability & Oversight

HB AUTISM TREATMENT (Grossman, C., Terhar, L.) To mandate coverage of autism treatment.
350 (CONTINUED; 3rd Hearing-Opponent)

Representatives from business groups expressed their concerns that the bill, which would require coverage of autism treatment and related services, would place a burden on small enterprises.

Keith Lake, the vice president of government affairs for the Ohio Chamber of Commerce, said the mandate would affect small businesses with more than 50 employees by raising health care costs for services their employees may not want or need. He suggested the state provide treatment services for autism instead.

"If part of the problem, as both the sponsors and proponents argue, is that the lack of access to affordable early intervention for autism costs the state money, then the Ohio Chamber respectfully suggests that, instead of pursuing an incomplete solution that also happens to penalize small businesses, the state should establish and fund a program that makes affordable autism services readily available to all Ohio children who receive the unfortunate diagnosis of autism, not just the 1,700 individuals proponents say would benefit from this bill," he said.

Rep. Curtin asked Mr. Lake if he knew of any other states that have taken actions similar to those he proposed. Mr. Lake said he didn't know of any that had. Mr. Lake also said he hadn't yet seriously discussed the proposal with the bill's sponsors.

Mr. Lake said that, while the increase to premiums expected from this bill would be small, the problem is more with the effect of many different mandates in aggregate.

"We need to draw the line somewhere," he said.

Chris Ferruso, representing the National Federation of Independent Businesses, said the addition of more mandates on health insurance would put more strain on his group's members.

"The slow drip of mandates only adds to the burden of those small employers trying to maintain or offer benefits to employees while controlling costs," he said.

Miranda Motter, president and CEO of the Ohio Association of Health Plans, said consumers already have options to find coverage for autism. Individual and small business plans, offered inside and outside of exchanges, are required to offer coverage for autism, she said. Requiring the grandfathered and large-group plans to cover autism would raise insurance costs for all Ohioans and businesses, she said.

"Coverage mandates not only take away the flexibility of health care consumers, whether they are individuals, small employers, large employers or public programs, but they also make it harder for health plans to keep health insurance coverage affordable and to ensure quality of care of health care services and medications," she said.

SB ONLINE VOTER REGISTRATION (LaRose, F.) To create an online voter registration system.
63 (CONTINUED-See separate story; 3rd Hearing-Opponent)

Agriculture & Rural Development

HB PROHIBITED SPECIES (Hall, D.) To prohibit the possession, introduction, sale, or offer of sale of
396 specified restricted and prohibited species. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Hall called the bill "an important step in the process of achieving healthier waterways."

Ohio's bodies of water, he said, have become inundated with foreign species that are depleting water resources and killing wildlife. For example, he said the walleye population in Lake Erie is dropping thanks to zebra and quagga mussels, which remove nutrients needed by walleye from the water.

"Near my district, the snakehead has infested the Muskingum watershed and the Killbuck Valley in particular because of the marshy conditions in which it spawns," he said. "This new predator is wreaking havoc on the local ecosystem."

He said the bill is aimed at those who would attempt to purposefully introduce these species into Ohio's waterways - an act which he called "aquatic terrorism."

The bill, he said, bans a "comprehensive" list of invasive species while recognizing the Department of Natural Resource's "authority to regulate and designate additional species as restricted or prohibited."

He said ODNR has already updated its list of aquatic invasive species in response to the bill and therefore the bill will be amended soon to compensate for that change.

"The legislation is still needed to set penalties for anyone who knowingly owns, introduces, or sells a restricted or prohibited species and create a risk assessment process for ODNR," he said.

Under the bill, anyone possessing a restricted or prohibited species could face a fine of not more than \$500. Anyone found to introduce or attempt to sell such species could face a fine of between \$1,000-\$10,000.

Rep. Koehler said that in his own pond he introduced species that might be considered invasive in order to deal with algae. "I need those," he said. "Will this restrict me from getting those?"

Since fish for those purposes often come sterilized, Rep. Hall said, consumers like Rep. Koehler would not be impacted.

"I think we want to address the bigger part of this - egg laying, fertilizing," Rep. Hall said.

Responding to Rep. Ruhl, Rep. Hall said the bill would not hamper the Great Lakes Compact. Instead, he said other Great Lakes states encourage states to adopt such bills.

Rep. Rezabek asked how the bill meshes with current criminal code, to which Rep. Hall replied he is still working with agencies to address whether the penalties in the bill should be revised.

Answering a question from Rep. Patterson, he said that ODNR would enforce the law and acknowledge those enforcement efforts may require new funding. The amount and source, he said, is still being discussed.

Commerce & Labor

HB SURGICAL TECHNOLOGIES (LaTourette, S., Huffman, S.) To regulate the practice of surgical **373** technologists. (CONTINUED (See separate story); 2nd Hearing-Proponent)

HB MICROBEADS (Patterson, J., Smith, K.) To prohibit the manufacture and sale of microbeads, and to **400** create a consumer education program about best practices for microbeads. (CONTINUED (See separate story); 1st Hearing-Sponsor)

Transportation & Infrastructure

HB ROAD NAMING (Buchy, J.) To designate a portion of State Route 571 within Darke County as the "196th **348** Light Infantry Brigade SP4 Robert L Fowble Jr and PFC Jack E Beam Memorial Highway." (REPORTED; 2nd Hearing-All testimony-Possible vote)

In written testimony, Joanne Simmons, sister of Mr. Fowble, thanked committee members for consideration of naming portions of highways in Darke County after fallen Vietnam era servicemen who gave up their lives for freedom. She reported her brother, at the age of 20, was killed in 1966 in the Tay Ninh Province as he chose to remain with his squad even though he was instructed to stay behind due to previous injuries.

Steve and Pam Beam also presented a written testimonial to brother Jack Beam who would be memorialized, along with Mr. Fowble, with the designation of SR 571 between Greenville and Union City the 196th Light

Infantry Brigade SP4 Robert Fowble and Jack E. Beam Memorial Highway. He, as did SP4 Fowble, lost his life at age 20 in Vietnam in 1966. The Beams said this would be a fitting memorial to the 196th Brigade as only 6 of the 47 men sent came home.

Also testifying in support of the highway memorial designation was Douglas Black, also a soldier in the 196th Light Infantry Brigade and current Darke County Veterans Service Commissioner and David Eichorn, president of the 196th Light Infantry Association. Mr. Eichorn said the 196th was formed in 1965 with draftees from Ohio, Indiana, Michigan, New Jersey, Philadelphia and New York City who were rushed to Vietnam and posted in the western portion of the III Corps Tactical Zone. He added the brigade was the last infantry unit to leave Vietnam after serving in Da Nang for major port security duties.

HB HIGHWAY NAMING (Smith, R.) To designate a portion of State Route 93 within Lawrence County as the **366** "Sergeant Donald Long Memorial Highway." (**REPORTED (No testimony)**; 2nd Hearing-All testimony-
Possible vote)

HB ROAD NAMING (Burkley, T.) To designate a portion of U.S. route 127 in Paulding County as the "U.S. **406** Navy Petty Officer 2nd Class Randall Smith Memorial Highway." (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Burkley said the bill would memorialize a fallen hero with the highway naming designation. He said U.S. Navy Petty Officer 2nd Class Randall Smith was killed in the summer of 2015 in Chattanooga, Tennessee, when he was hit by three bullets from a heavily-armed gunman during a rampage that killed four Marines. Rep. Burkley said Petty Officer Smith became the fifth victim of the shooting dying two days later after a historical battle for his life. He left behind a wife and three daughters under the age of 10. The sponsor said the highway designation will serve as a reminder to those passing by how precious life is and appreciate the heroes among us.

HB LICENSE PLATE (Antani, N.) To create the "National Aviation Hall of Fame" license plate. **428** (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Antani explained the special license place would support the mission and visions of the National Aviation Hall of Fame, located in Dayton, where there is a rich history in the field of aviation. He listed the Wright Brothers, John Glenn and Neil Armstrong as examples when talking about aerospace innovation and those that lead the industry.

The sponsor said the Hall continues to honor Ohio heroes, among others, and continues to inspire aerospace leaders of the future. He said the Hall of Fame operates as a separate Ohio non-profit entity and operates on tax-deductible membership dues and contributions. He continued that revenues from the sale of the license plates would support the National Aviation Hall of Fame in fulfilling its mission to honor and inspire past and future aerospace leaders.

HB ROAD NAMING (Sprague, R.) To designate a portion of U.S. Route 30 in Hancock County as the **430** "Congressman Michael G. Oxley Memorial Highway." (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Sprague presented the bill to honor former Congressman Oxley, a native of Findlay and long-serving member of the U.S. House of Representatives. A companion bill (**SB 259**) by Sen. Hite is scheduled to be heard before the Senate Transportation, Commerce and Labor Committee on Wednesday.

Rep. Sprague reported that following a 10-year stint in the Ohio House, he went on to serve in Congress for 25 years representing the people of the 4th Congressional District. He noted that after leaving Congress, Mr. Oxley remained active in the community, practicing law with BakerHostetler and served as a senior advisor to the Board of Directors of NASDAQ OMX Group, Inc. and became a respected speaker and commentator on business and finance issues.

While a member of Congress, Mr. Oxley chaired the Committee on Financial Services and in response to corrupt business practices, became known for landmark anti-fraud legislation. The Sarbanes-Oxley Act was designed to

protect shareholders and the public from corporate scandal and mistakes. Additionally, Congressman Oxley became known for his role on legislation that improved identity theft protection and credit reports.

He served on the Board of Trustees at the University of Findlay and just prior to his death donated \$500,000 to support the College of Business and construction of a student life center on campus.

Rep. Sprague said the legislation would designate a portion of US 30 in honor and in memory of Congressman Oxley. It would be very fitting as the congressman was a key advocate of improving the highway providing greater safety to the travelling public and brought economic development opportunities to the area, he said.

SB ROAD NAMING (Jones, S.) To designate a portion of State Route 123 within Warren County as the "Neil 131 Armstrong Memorial Way." (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Sen. Jones called Neil Armstrong the embodiment of an American hero and arguably one of the greatest Ohioans in this generation. Best known as the man who took the first steps on the moon, she said he also took his first and last steps in Ohio where he spent a portion of his life along SR 123 between Lebanon and Springboro.

Sen. Jones said after Mr. Armstrong completed his career as an astronaut who will always be known for the iconic statement of "That's one small step for man, one giant leap for mankind," he returned to his home state of Ohio to become professor at the University of Cincinnati and taught in the Department of Aerospace Engineering for eight years before becoming somewhat reclusive and enjoying simple times with family and work.

Neil Armstrong lived by his iconic words and his dedication and hard work was not for individual spotlight and glory, but rather for mankind, she said. She called him an inspirational hero for children to remember every time they look at the moon. She said SR 123 will be just another reminder of his legacy for the entire state - from his birth in Wapakoneta on August 5, 1930 to his last day on August 25, 2012 - to be remembered as a dedicated Ohioan who will always be remembered as an American hero.

SB LICENSE PLATE (Hughes, J.) To create the "Baseball for All" license plate and to require the 159 contributions received from the issuance of such license plates to be used to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City. (CONTINUED; 1st Hearing-Sponsor)

Sen. Hughes explained the special license plate would provide funds for the creation and maintenance of the Grove City Dream Field where every child, regardless of their physical abilities would be able to live the dream of playing baseball. He said the program is a collaboration between the city of Grove City and the Grove City Little League Board to provide the sport to every child. He said the field's primary feature is a special rubberized, cushioned surface to accommodate children who require wheelchairs, crutches or walkers. One such field already has been constructed in the city of Dublin by the Miracle League of Central Ohio, he said.

SB BRIDGE NAMING (Hite, C.) To designate the "Lt. Col. Ralph D. Cole Memorial Bridge" within the 179 municipal corporation of Findlay. (CONTINUED; 1st Hearing-Sponsor)

Sen. Hite said it was fitting to name the bridge in Hancock County in honor and memory of Lt. Col. Ralph D. Cole, a native of Hancock County who made a great mark on the area. A graduate of Findlay College, Lt. Col. Cole went on to represent the area in both the state and U.S. House of Representatives. Sen. Hite said Lt. Col. Cole went above and beyond in his dedicated service to the people of Ohio and the United States and remains an iconic figure in Hancock County today. He noted the Main Street Bridge that the legislation would name in his honor runs near the Ralph D. Cole American Legion Post in Findlay. Mr. Cole was a founding member of the American Legion. His grandson, Rep. Robert Sprague, currently serves in the Ohio House.

SB ROAD NAMING (Widener, C.) To designate a portion of state route 72 in Greene county as the "LCPL 196 Brent Turner U.S.M.C. Memorial Highway." (CONTINUED; 1st Hearing-Sponsor)

In presenting the bill, Stephanie Baker, legislative aide to Sen. Widener, reported the Springfield native was killed in Quang Nam, Vietnam, in 1970 when his unit was attacked by grenades and he died as the result of multiple fragmentation wounds. He was the recipient of the National Defense Service Medal, the Vietnam Campaign Medal, the Vietnam Service Medal and the Purple Heart. On behalf of the sponsor, Ms. Baker concluded the highway designation would recognize the actions of an unselfish American who paid the ultimate price in defense of freedom.

SB ROAD NAMING (Hughes, J., Bacon, K.) To designate a portion of I-70 in Franklin county as the "Sergeant **200** Adam L. Knox Memorial Highway" and to designate a portion of St. Rt. 7 in Mahoning County after Donald **201** V. Clark. (CONTINUED; 1st Hearing-Sponsor)

Sen. Hughes presented the bill noting that Sgt. Knox was a trained psychological operations non-commissioned officer assigned to the 346th Psychological Operations Company in Columbus. Sgt. Knox was killed in the line of duty on September 17, 2006 while serving during Operation Iraqi Freedom in Baghdad when his patrol encountered enemy small arms fire in their support of the global war on terrorism.

Donald Clark, a Boardman High School graduate, was killed on November 15, 2006 when his helicopter crashed during a mission over the Northern Iraqi city of Mosul.

SB ROAD NAMING (Coley, B.) To designate a portion of State Route 73 in Butler County as the "SPC **207** James E. Hall Jr. Memorial Highway." (CONTINUED; 1st Hearing-Sponsor)

Sponsor Coley said Specialist Edward Hall Jr. died as a result of injuries suffered when hit by an IED in Afghanistan in May, 2011. He is survived by his wife Laura who gave birth to their son Aiden James just four days after Specialist Hall's death, he said, adding the highway naming will honor a brave man who made the ultimate sacrifice for his country.

HR LOCKS UPGRADE (Dovilla, M.) To encourage the President and the Congress of the United States and **263** the United States Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan and encourage the United States Army Corps of Engineers to take expeditious action in preparing an Economic Reevaluation Report. (REPORTED (See separate story); 1st Hearing-All testimony-Possible vote)

Judiciary

HBARSON (Koehler, K.) To eliminate lack of the property owner's consent as an element of arson when the **185** property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense. (REPORTED-AMENDED; 3rd Hearing-All testimony-Possible amendment & vote)

Dan Acton, government affairs director at the Ohio Real Estate Investors Association, said in written testimony his group has voted to support the measure.

"We understand that the reason Rep. Koehler has introduced this bill is due to the recent increase in fires of abandoned homes. County prosecutors have had difficulty charging a suspect with arson even when they have full evidence against them," he wrote.

"Under the current arson statute, county prosecutors cannot charge a suspect with arson if the prosecutor cannot obtain written/verbal evidence from the owner that the owner did not give consent to the suspect to burn the building down. In the case of abandoned homes, this creates an impossible situation because the fire marshal cannot find the owners of these abandoned homes to get the important statement that they did not give 'consent' to the suspect," he continued.

The city of Dayton Fire Department also provided written testimony in support of the bill.

The bill was amended to remove a portion of line 64.

HB RETIREMENT BENEFITS (Dovilla, M., Anielski, M.) To add extortion and perjury and certain federal 284 offenses to the offenses that may result in forfeiture or termination of public retirement system benefits.

■ **(REPORTED; 3rd Hearing-All testimony-Possible vote)**

John Gilchrist, an attorney testifying on behalf of Public Employee Retirees, Inc., told the committee that the measure "would use forfeiture of retirement benefits as an additional punishment for the commission of the enumerated offenses."

"I will admit that for many, it might be difficult to oppose this bill since no one has much sympathy for those serving in a position of honor, trust and profit who commit the enumerated offenses," he said.

However, Mr. Gilchrist said, the money no longer belongs to the taxpayers once it is held in trust.

"The organization believes this is no different from paying a private individual to paint the walls of the hearing rooms in the Statehouse," he said. "Once the individual is paid with public tax dollars for his services, the compensation is no longer public moneys."

Instead, Mr. Gilchrist told the committee, lawmakers should increase criminal penalties for public officials who commit extortion or perjury.

Targeting pension funds, he said, has the ability to make innocent family members victims.

Rep. Pelanda questioned if the erosion of public trust should be a more important concern.

Mr. Gilchrist acknowledged that the measure would be likely to receive the support of a majority of Ohioans.

Rep. Rezabek asked if the law would apply only to crimes committed in office. Mr. Gilchrist said that would be the case.

On a side note, Mr. Gilchrist also said PERI is opposed to Treasurer Josh Mandel's effort to prohibit state retirement systems from investing in companies that do business in Sudan, Syria, Cuba and Iran.

HBSEX OFFENDERS (Ruhl, M.) To require a sheriff to mail a notice to every adult member of a household 353 where a person who is required to register as a sex offender resides informing those household members that the person has committed a sexually oriented offense or a child-victim oriented offense. **(CONTINUED; 2nd Hearing-Proponent)**

The former mother-in-law of a sex offender who concealed his crime from his family asked the committee to approve the legislation.

"The safety of children should come before the privacy of registered sex offenders," Nancy Tapocsi told the committee. "Everyone who lives with a sexual predator deserves to know it. Criminals are notoriously good at lying. If this bill saves just one child from being molested, it will be worth it."

Melissa Litteral, president of the Ohio Chief Probation Officers Association, echoed those sentiments in her written testimony.

"This bill may assist in preventing future crimes against the most vulnerable, our children, when an unsuspecting parent becomes involved with someone who has hidden their conviction," she wrote.

HBDOMESTIC VIOLENCE (Sykes, E., Kuhns, C.) To authorize the issuance of domestic violence protection 392 orders with respect to conduct directed at an intimate partner, to provide access to domestic violence shelters for intimate partners who are victims of domestic violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that an intimate partner who is the victim of domestic violence has the right to petition for a civil protection order. **(CONTINUED (No testimony); 3rd Hearing-Interested party & opponent)**

HB IMPORTUNING (Schaffer, T., Smith, K.) To amend the penalties for the offense of importuning.
405 (REPORTED (See separate story); 1st Hearing-All testimony-Possible vote)

HBCRIMINAL RECORDS (Antani, N.) To require the Attorney General to select a qualified third party to
427 receive court notices of sealed or expunged criminal records and to require identified data repositories and
 web sites that receive those notices from the qualified third party to remove those records from their
 databases. (CONTINUED; 1st Hearing-Sponsor)

The bill will "create a system to ensure the people receive the full benefit of a sealed or expunged record by having the Attorney General work with a third party to identify and remove sealed or expunged criminal records from data repositories and web sites that receive those records," according to its sponsor, Rep. Antani.

Rep. Antani said private entities currently have no way of knowing that a record has been expunged.

"Thus, a person may think their record is sealed or expunged, when in reality the record still lives in private databases and repositories," he told the committee. "There have been instances where people who have thought their record was truly sealed applied for jobs and left their criminal history blank; however, a background check comes up with a criminal history because the private repository didn't know to seal the record. The person is then disqualified for employment for lying on their application, even though they thought their criminal history had been expunged or sealed."

Rep. Sykes asked how the contract would be awarded.

Rep. Antani said it would be done with a competitive bid through the attorney general's office.

"No government entity seems to want to take the burden on," he said.

Rep. Sykes also questioned the fee that would need to be paid to get one's record expunged with private entities, which she said many cannot afford.

Rep. Antani said he would be willing to work with her to come up with a solution.

Chairman Rep. Butler asked about compliance.

Rep. Antani said other states have passed legislation that includes a penalty for non-compliance. However, he said he has received word that private entities will comply with the law.

"Should this pass and at a later date compliance is not there, we will seek to put in penalties," he said.

SB FIDUCIARY DUTIES (Obhof, L., Schiavoni, J.) To prescribe the fiduciary duties of corporate and limited
181 liability company officers, to specify that officers are not required for limited liability companies, to permit a
 written waiver or elimination of the fiduciary duties of limited liability company members, managers, or
 officers, to clarify when a limited liability company manager's or officer's duties can be the same as a
 member's duties, to declare the policy of the Limited Liability Company Law generally to give maximum
 effect to freedom of contract, and to make other changes regarding corporations and limited liability
 companies. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

SB FIREARM PENALTIES (Hughes, J., LaRose, F.) To increase by 50% the mandatory prison term for an
97 offender who is convicted of a firearm specification and previously has been convicted of a firearm
 specification; to prohibit violent career criminals from knowingly acquiring, having, carrying, or using any
 firearm or dangerous ordnance; to require a mandatory prison term for a violent career criminal convicted of
 committing a violent felony offense while armed with a firearm; to correct a provision regarding delinquent
 child dispositions for specifications; to provide certain prisoners credit for time spend in jail in determining
 eligibility to apply for judicial release; and to specify that no presentence investigation report is required for
 shock probation to be granted to an offender convicted of an offense before July 1, 1996. ((SCHEDULED
 BUT NOT HEARD); 6th Hearing-All testimony-Possible substitute & vote)

Subscribers Note: For full testimony, visit the committee's [website](#) under Jan 26.

Armed Services, Veterans Affairs & Public Safety

HBOVI OFFENSES (Scherer, G.) To authorize a court to grant unlimited driving privileges with an ignition **388**interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses. (**CONTINUED**; 2nd Hearing-Proponent)

Dr. Rick Rooney, the father of Annie Rooney who died in a 2013 crash involving a drunk driver, testified in support.

While he said he and others were "shattered" by the death, the family has made an effort to help reduce the number of other deaths tied to drunken driving. A key way to do that, he said, is to require ignition interlock devices for offenders.

He said students have shown that the devices have successfully limited the number of DUI crashes, calling the product a safety device rather than a shaming device.

Dr. Rooney added that 25 states have interlock laws, helping to save hundreds of lives per year. Considering statistics, having the law in Ohio could help save about 180 lives per year, he said.

Chair Johnson said he felt the witness' figures regarding the number of deaths that could be prevented are solid.

Walt Rooney, the victim's brother, also testified in support. The Cincinnati surgeon said while the bill isn't perfect, it will help prevent future deaths.

He said the family is seeking a perfect bill, but acknowledged that political reality is that change happens incrementally.

Doug Scoles, state executive director of Mothers Against Drunk Driving, testified in support. He said the group's top Ohio priority is to have all drunk driving offenders have ignition interlock devices on any vehicle they drive during the time when their licenses would typically be suspended.

He said interlock devices are the only proven technology to protect drivers and the public from starting a vehicle when they have been using alcohol. He said the interlock requirement is preferred over license suspension because driver behavior is being monitored and offenders can carry on with their daily lives.

The devices, he noted, have stopped 16,404 drunk driving attempts in Ohio since 2008.

Mr. Scoles noted that surrounding states have laws that require interlock devices for first-time offenders, noting that Ohio only requires interlocks for repeat offenders. Judges can also order devices for first-time offenders. He noted that the bill doesn't impact current discretion that judges have, but creates a framework in which judge could order them more often.

He also stressed the importance of interlock devices' new 'rolling retest' features that prevent drivers from starting vehicles, driving them to a place where they consume alcohol while leaving their vehicles running, and then driving home. "MADD believes that in order for this legislation to be effective, it is essentially important to have it amended so that interlock offenders are required to take a rolling retest," he said.

Mr. Scoles told Rep. M. O'Brien that the rolling retest is a periodic request for drivers to blow into a testing tube, and first occurs between 7 and 15 minutes after a car starts. Subsequent tests may also be required over the course of a drive.

Mr. Scoles noted that drivers can complete the test while driving, or can pull over before completing it.

Rep. G. Johnson raised concerns the bill steps on judicial discretion, noting that judges are already able to order the devices. She also said many people convicted of OVI offenses don't weren't driving their own cars at the time of the offense, or don't own cars.

Mr. Scoles said the measure creates a framework to incentivize the use of the devices.

Greta: seems many people I prosecuted didn't own the car they were driving; didn't own a car

The witness also told Rep. Vitale that offenders are required to pay for the devices.

Rep. Scherer, the bill's sponsor, acknowledged that some groups wanted the bill to include language requiring rolling retests. He said, however, he did not include that language out of concerns tied to distracted driving.

Mr. Scherer added that he also took the step of installing an interlock device in his car - voluntarily - to determine if rolling retests were distracting. "At the very beginning, it was absolutely distracting," he said.

He told the panel he is not suggesting an amendment to add that language to the bill, but noted the committee can take whatever steps it sees fit.

SB TRAFFIC VIOLATIONS (Hughes, J.) To allow emergency personnel in public safety vehicles to report **123** traffic law violations under certain circumstances. (**CONTINUED**; 2nd Hearing-Proponent)

Jim Carney of the Ohio Association of Professional Firefighters testified in support. He said the proposal sets the stage for officials to identify vehicles and drivers who fail to yield to public safety vehicles that are responding to calls.

Mr. Carney said the measure allows for the issuance of a warning or a citation to drivers if they can be identified. If non-yielding drivers can't be identified, warnings could be issued to the owner of a vehicle.

The witness said the law isn't intended to punish drivers who make an effort to get out of the way of responding vehicles, or who make mistakes in an effort to get out of the way. He said it is focused only on people who clearly disregard the law to make room for emergency vehicles.

He confirmed for Rep. Terhar that the law would only be in effect in cases when emergency vehicles are on bona fide emergency response runs.

HCR MILITARY BASES (Hayes, B.) To urge the Congress of the United States to take action to ensure **25** members of the armed forces are adequately armed for their protection at military bases and other military sites within the United States. (**REPORTED**; 2nd Hearing-All testimony-Possible vote)

Irene Crouso Miller, a former Coshocton County Clerk of Courts, testified in support, saying it would make sure the military members are armed for their protection at bases and other sites.

She said the U.S. armed forces are well-trained and put their lives at risk for the country, but are then "stripped" of their Second Amendment rights.

"We have had multiple active shooter situations on military installations, terrorist attacks stateside and the 'threat level' is extremely high," she said. "Military units and personnel are currently very visible and unfortunately very soft targets."

Ms. Miller also noted it is her understanding that National Guard soldiers convoy across the state, in uniform, while they are unarmed. She said the convoys could be a prime target for those who want to harm soldiers.

"These things have to be stopped," she said.

Chair Johnson said the resolution leaves it to military officials and other leaders to make wise decisions about how the change should be implemented.

HCR MILITARY BRATPIN (Sears, B., Dovilla, M.) To express support for the Military BratPin.
26 (REPORTED; 2nd Hearing-All testimony-Possible vote)

Robert Holliker, Jr., a retired U.S. Air Force lieutenant colonel, offered written testimony in support. He said he was an Air Force Brat for 17 years, until he went on active duty. During that span, he moved 12 times and attended 11 schools. He noted that many of the things he learned while a child were part of his active duty service.

He said he first proposed the idea of a Brat lapel pin to Congress, but saw that bill had gone nowhere. Mr. Holliker added that he later worked with other Brats to design a separate pin, which is helping bring Brats together.


Subscribers Note: For full testimony, see the [committee's website](#) under Jan. 26.

The House Adjourned Until 1:30 p.m., Wednesday, January 27, 2016.

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Senate Activity for Tuesday, January 26, 2016

COMMITTEE HEARINGS

Agriculture

HB ANIMAL TREATMENT (Ginter, T.) To authorize specified emergency personnel to provide certain **187** emergency medical services to an injured dog or cat. (CONTINUED; 1st Hearing-Sponsor)

In sponsor testimony, Rep. Ginter said the bill would protect paramedics by providing explicit guidelines for treating animals at the scene of an emergency.

He said the current substitute version is "very clear" on what services may be offered. They include: maintaining an airway, giving mouth to barrier ventilation, administering oxygen, managing ventilation by mask, controlling hemorrhage with direct pressure, immobilizing fractures, bandaging, and administering naloxone hydrochloride.

The bill grants immunity to those EMTs operating in good faith, he said, and would better protect service animals and police K-9s.

"While there are currently some emergency responders who treat animals at a scene, after providing care to humans, it is not clear in the Ohio Revised Code that they are permitted to do so," Rep. Ginter said. "At this point, I do not know of a responder to lose his or her license due to treating an animal, but it is right that we legislatively protect them from such an occurrence in the future."

HBCOMPANION ANIMAL ABUSE (Hall, D., Patmon, B.) To revise provisions and penalties regarding **60** treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse. (CONTINUED; 1st Hearing-Sponsor)

Rep. Patmon shared "startling" statistics with the committee, saying that animal abusers are five times more likely to commit violence against people, four times more likely to commit property crimes, and three times more likely to be involved in drunken or disorderly offenses.

"It's not just (about) a little brown dog," Rep. Patmon said of the bill. "But it's about the love of our animals and the indicator of people who committed the kind of crimes we're here today to help solve."

Rep. Hall said the bill very important to his constituents.

"Companion animals become part of our families," Rep. Hall said. Not only will the bill protect those animals, he said, but "this bill will better identify serious criminals and allow us to identify these potential abusers, thereby helping protect our children and families."

Rep. Hall also expressed an interest in having the bill amended to encompass K-9 officers. He referenced a Jan. 9 incident in Canton in which a K-9 officer named Jethro was fatally shot multiple times by a suspect.

"I didn't talk to Rep. Patmon or anyone else, but this is something I think maybe we want to address in this or any other bill," Rep. Hall said.

Sen. Burke asked how sponsors removed subjectivity from the bill. "How does one take their view of how they care for their animal and not have that somehow contaminate how someone else takes care of their animal?"

In response, Rep. Patmon said Ohio has a "wonderful" system of taking care of non-canine abuse victims. Every day prosecutors make difficult, subjective decisions regarding crimes. "We would cast this into the same pot," he said.

Rep. Hall added that the bill pertains to instances of abuse inflicted upon animals "knowingly." The bill would be another tool for law enforcement to address those occurrences, he said.

"I worry that we are defining a term like 'art,'" Sen. Burke replied. "Where Bob keeps his dog shackled up to a tree, I don't really do that to my dog. I don't want a measure to enforce subjective human rights onto animals."

Rep. Hall said the bill applies to situations involving "pain and suffering." If a dog tied up outside is not in pain and suffering, the situation would not apply to the bill.

Sen. Manning questioned how a pet can be used to obtain opiates, to which Rep. Patmon replied that some individuals have been found to have abused animals in order to obtain medication from veterinarians.

Sen. Manning asked if the offense became a felony, would judges would overlook animal abuse and focus more on other crimes such as robbery and murders. She further asked whether leaving the offense a misdemeanor would better insure the offender did jail time.

Rep. Hall said judges he's spoken with suggest the opposite and say they feel their hands are tied by the current system. Rep. Patmon said the felony would be a deterrent and reiterated his concern that misdemeanors aren't tracked, which could let potentially future violent individuals slip through the cracks until they begin harming people.

When asked by Sen. Manning whether the felony would divert individuals to jail rather than obtaining other resources such as entering a treatment program, Rep. Patmon said that if the offense is a felony, the offender can be more easily sent to treatment or directed to other resources by prosecutors.

"It's really not about locking people up," he said. "It's a deterrent."

HCRLAKE ERIE (Hall, D.) To commend Governor John Kasich on his efforts to improve the water quality of **11** Lake Erie and to affirm the Governor's ability to form an interstate compact with other states in furtherance of this objective. (CONTINUED; 1st Hearing-Sponsor-Possible vote)

Rep. Hall said he anticipates tweaks being made to the resolution moving forward. The resolution, he said, will highlight Ohio's continued leadership on water quality issues.

"As I've said multiple times, there's no silver bullet to water quality issues we face," Rep. Hall said. "This is simply another step in the process."

Sen. Gardner pointed out that several developments have occurred since the resolution passed the House in September, including the introduction of several proposed water quality bond issues. Sen. Gardner chairs the Lake Erie Caucus, which in October expressed interest in tackling such a bond issue. (See [Gongwer Ohio Report, October 27, 2015](#))

"I'm certainly for it," Sen. Gardner said of the resolution. "We will take a look at this and maybe at the next week or two, at the discretion of the chair, we should be able to move something that provides up to date work on what the governor has done, what we have done, and what we continue to do together."

Sen. Gentile said minority members would like to work with sponsors to add language to the resolution. "While we can certainly recognize the work that's been done, there's still probably more work that needs to be done," he said.

"We're willing to work with you on everything," Rep. Hall replied. "This resolution is really focused on Lake Erie and with the bigger, broader approach I do have a house bill (HB 61) that looks at all the water districts throughout the state. Because what we're looking at in each district and every area is unique to its own issues."

Governor's Appointments: The committee approved Richard McClelland's appointment to the Ohio Standardbred Development Commission.

Subscribers Note: For full testimony, see the committee's website under Jan. 26.

Government Oversight & Reform

HB ABORTION (Patmon, B., Conditt, M.) To require the Department of Health to ensure that state funds and 294 certain federal funds are not used either to perform or promote elective abortions, or to contract or affiliate with any entity that performs or promotes elective abortions. (**CONTINUED-(See separate story)**; 1st Hearing-Sponsor)

SB ELECTION PROCEDURES (Uecker, J.) To reduce the minimum number of precinct election officials in a 212 precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. (**CONTINUED**; 2nd Hearing-Proponent)

John Leutz, legislative counsel for the County Commissioners Association of Ohio, said the use of electronic poll books has reduced the need for four poll workers at a precinct during an election.

"The efficiency that has been gained through the use of centralized check-in and e-poll books is bringing us to the point where four poll workers in each precinct in a multi-precinct polling location are no longer needed," he said. "Moreover, poll workers are our single biggest Election Day expense and recruiting a sufficient number of them can be challenging in some areas. Thus, SB 212 would allow county boards of elections to address these issues where it makes sense."

Ken Terry, the director of the Allen County Board of Elections who has also served as legislative co-chair for the Ohio Association of Election Officials, spoke in favor of the bill. He said the change would be permissive, meaning no county would be required to reduce the number of poll workers.

Mr. Terry also supported the provision that would end the requirement that the board of election send a notice to a person's address when the board cancels that person's registration because of a report of their death. He said errors, while rare, have made it not worth the effort.

"Unfortunately, the law has ended up angering many voters," he said. "While mistakes do happen when managing voter rolls that contain millions of people, protections already exist to make sure voters can exercise their right to vote, and have that vote counted, even if they were accidentally or erroneously removed from the rolls."

SB COSMETOLOGY LAW (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law. 213 (**REPORTED-AMENDED**; 3rd Hearing-All testimony-Possible amendments & vote)

The committee reported the bill after approving two amendments. One amendment proposed by Sen. Jordan that moved eyelash extensions from the boutique services section to esthetics, added shampooing to boutique services, and included some other technical changes. Another amendment, proposed by Vice Chair Seitz, would give the State Board of Cosmetology two years to develop a pre-test for certification.

Another element of Sen. Jordan's amendment, which called for salon schools to report information they report to the federal government to the state also, was removed after witnesses said it would be an unnecessary and burdensome regulation.

Opponents testified about various elements of the bill, saying the management permit training includes education that's useful for many people who work in salons or want to own salons and need management skills.

"Some changes can cause a chain reaction, and one of those chain reactions that could be caused as a result of this bill is our inability to train our managers" without the program, said Nancy Brown, who, with her husband Ed, owns salons and salon schools across the state.

Ms. Brown and her husband suggested allowing the management license to live on, though without the requirement that someone with the permit be in the salon at all times, and use it as a framework for training future salon school instructors.

Wezlynn Davis, of the Beauty Lab, said she believed the program should be kept.

"I'm a product of this program, and I assure you the education is highly valuable for those who do not want to work for corporate and chain salons," she said. "I don't think it's very fair to strip away the value of that license."

James Rogers, a former State Board of Cosmetology member, said he had concerns with allowing people without licenses to do shampooing. Chair Coley said the requirement states that someone with just a registration can do the shampooing if a licensed cosmetologist begins work immediately.

"The fact that my hairdresser is running a few minutes behind and she has the receptionist wash my hair," Sen. Coley said. "Tell me, what Armageddon is going to face the world if I allow that, because a person who is trained in sanitation is going to touch my head next?"

Mr. Rogers said it's important because hairdressers are trained to look for health problems, including head lice and skin conditions, while shampooing.

SB DEATH DESIGNATION DEEDS (Bacon, K.) To amend the law related to transfer on death designation **232** deeds and affidavits. (CONTINUED; 2nd Hearing-Proponent)

John Furniss, a partner at Bricker & Eckler and secretary of the Ohio State Bar Association's Estate Planning, Trust, and Probate Law Section, said the bill would bring real estate transfer on death designation deeds and affidavits into line with other kinds of beneficiary designations in that the listing of a spouse as beneficiary would end with a divorce, dissolution or annulment of the marriage.

"TOD affidavits and deeds are relatively new," he said. "When they were created, the effect of divorce, dissolution and annulment on such designations was overlooked and not addressed. SB 232 would bring TOD affidavits and deeds in-line with the legislature's policy in this area, and would help establish consistency with respect to the legal effects of divorce, dissolution, and annulment on beneficiary designations."

SCR WESTERN LANDS (Jordan, K.) To urge the United States Congress to transfer federal public land within **13** the western states to the state where the land is located and to engage in good faith communication and cooperation to coordinate the transfers. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Jordan testified that the resolution would encourage the federal government to return federal land in large western states back over to state control, an issue that has been in the news since the takeover of Malheur National Wildlife Refuge in Oregon.

Starting in the early 1900s, Sen. Jordan said, the federal government began taking over more and more western land, including more than 80% of Nevada.

"This resolution would encourage our fellow states to become more educated on the issue and would add Ohio's voice to those of South Carolina and Utah in calling for the federal government to untie the hands of our western neighbors and work with them to begin the process of transferring public land to state control," he said.

SCR FEDERAL RESERVE (Jordan, K.) To urge Congress to pass the "Federal Reserve Transparency Act of

14 2015." (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Jordan said the resolution would encourage Congress to pass the Federal Reserve Transparency Act, requiring an audit of the Federal Reserve's Board of Governors.

"Since its creation, The Fed has enjoyed significant exemption from inspection," Sen. Jordan said. "This should be of great concern to Americans due to the enormity of their mandate. The entire economy is subject to their rules and yet a full audit has not been performed in decades. Policy setters and regulators should not be allowed to set rules and operate in the shadows but that's been the policy of the Fed for quite a long time."

State & Local Government

HB DAY DESIGNATION (Patmon, B.) To designate May 24 as First Responders' Appreciation Day.
163 (CONTINUED; 1st Hearing-Sponsor)

Rep. Patmon said the bill was proposed by his grandson, Daniel, who presented sponsor testimony on the bill.

He said he came up with the idea for a day recognizing first responders after seeing an EMS vehicle with its lights on, weaving through traffic, almost be struck by another vehicle.

"I thought of the danger these men and women face every day. Later that day, I saw a veteran's license plate, honoring those who have fought in wars. I then thought about how first responders should also be honored and wondered if there was a day for them," the younger Mr. Patmon recalled.

He told Sen. LaRose that May 24 is his birthday and is a good day to recognize first responders because it won't coincide with Memorial Day or Veterans Day events.

HB DAY DESIGNATION (Hagan, C., Dever, J.) To designate the fourth Sunday of July as Blue Star
242 Mothers Day. (CONTINUED; 1st Hearing-Sponsor)

Rep. Hagan said the bill is inspired by a Blue Star Mother in her district and noted that Michigan and Pennsylvania also have days to recognize the mothers and families of military members.

"The sacrifices of our fellow Americans and service members allot each and every American the opportunity to pursue their dreams in complete freedom," she said. "The time spent away from their own families has secured the safety of all families and has allowed us to raise our families without fear due to their efforts. Because of this we believe that it is incumbent upon us to recognize and honor those that have sacrificed the most for the freedoms of the country we love and serve."

Blue Star Mothers of America has more than 6,000 members and more than 200 chapters throughout the country, including 15 chapters in Ohio, Rep. Dever said. The organization sends care packages and letters to service members and hosts events throughout the country.

The sponsors said the third Sunday in July was chosen to recognize the families and mothers at the request of the family that proposed the measure.

SB DEFERRED COMPENSATION (Hottinger, J.) To authorize the Ohio Public Employees Deferred
220 Compensation Board and local governments to establish designated Roth account features and other tax-
deferred or nontax-deferred features permitted for government deferred compensation plans.
(CONTINUED; 2nd Hearing-Proponent)

Suzanne Dulaney, executive director of the County Commissioner's Association of Ohio, which sponsors a Deferred Compensation Program for county employees, testified in support.

She said the measure would allow them to add another tool, in the form of a Roth account, for employees to voluntarily supplement their existing pension benefits.

"Unlike most deferred compensation investments, Roth contributions do not lower current taxable income," she said. "Instead, the withdrawals are tax free under certain conditions. Thus, Roth contributions are another way for employees to diversify investments and potentially reduce the amount of taxes they pay in retirement."

Keith Overly, executive director of the Ohio Public Employees Deferred Compensation Program, also supported the legislation, saying that it "will provide the desired clarity that 457(b) programs in the State of Ohio may provide both tax deferred and non-tax deferred options."

SCR IDENTIFICATION CARDS (Thomas, C.) To urge municipal corporations throughout the state to adopt a **12** Municipal Identification Card Program. (CONTINUED; 1st Hearing-Sponsor)

Sen. Thomas said the cards, which are used in major cities, provide a means of identification for individuals who are not able to obtain drivers licenses, for instance because they are undocumented immigrants or homeless.

"This resolution will demonstrate our intention to make our communities more inclusive," he said. "Municipal identification programs are also an opportunity for our cities to be centers of democracy. This resolution is meant to show respect for the identity of all Ohioans, regardless of their status as a refugee, undocumented immigrant, or homeless person."

The resolution would not require cities to take part, but would encourage them to institute the identification cards, he said.

Chairman LaRose questioned the need for the resolution, saying that Ohio ID cards are more beneficial because they can be used to vote or go through an airport checkpoint.

"It seems our efforts would be better spent encouraging all Ohioans to get an Ohio driver's license or state ID versus the creation of another form of identification," he said.

Sen. Thomas said the municipal IDs would be useful because it ensures a city is being "hospitable" to its inhabitants, including those who aren't able to obtain state IDs. In cities that have instituted the cards, they can be used for setting up library accounts and identifying people in the case of a situation involving first responders, he added.

The sponsor told Sen. LaRose that he is unsure which municipalities would be interested in creating the IDs.

Finance

SB CAPITAL REAPPROPRIATIONS (Coley, B.) To make capital reappropriations for the biennium ending **260** June 30, 2018. (REPORTED-AMENDED (See separate story); 2nd Hearing-All testimony-Possible amendments & vote)

SB MINORITY SET-ASIDES (Tavares, C.) To require community colleges, state community colleges, **73** technical colleges, and university branches to comply with minority business enterprise set-aside requirements, and to require the Director of Administrative Services to establish guidelines for these entities, and the Northeast Ohio Medical University, to establish procurement goals for contracting with EDGE business enterprises. (CONTINUED; 1st Hearing-Sponsor)

Sen. Tavares said universities are required to meet minority business enterprise and EDGE business standards so community colleges should also have to meet such goals.

"Community colleges should be required to set-aside the same 15% of their contracts for minority businesses and 5% for EDGE certified businesses in order to grow our small and minority businesses and be fair and equitable among our colleges and universities," she said.

Sen. Tavares said the bill is timely because continued community college enrollment increases have led to campus expansions.

**SB UNCLAIMED FUNDS (Williams, S.) Regarding payment to a registered finder of unclaimed funds.
80 (CONTINUED; 1st Hearing-Sponsor)**

Sen. Williams said the bill "would help registered unclaimed funds finders with an approved contract on file at the Department of Commerce ensure that they receive payment for services rendered to their clients.

Currently, finders can receive no more than 10% of a claim and the state pays the fee to the client, she said. If a client doesn't pay the fee, the finder must try to recover the funds.

"Senate Bill 80 simply requires the director of the budget and management to withhold from an unclaimed funds payment any legal amount in agreement to compensate a registered finder and to pay that amount directly to the finder," she said. "Instead of issuing one check to the funds owner, OBM would issue two checks: One to the funds finder for his or her fee and one to the owner for the balance."


The sponsor told Sen. Skindell that a written agreement is required in order for a finder to have rights to a fee.

The Senate Adjourned Until 10 a.m., Wednesday, January 27, 2016.

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Daily Activity Planner for Wednesday, January 27

Legislative Committees

Senate Government Oversight & Reform (*Committee Record*) (Chr. Coley, B., 466-8072), South Hearing Rm., 8:45 a.m.

HBHIGHER EDUCATION CONDUCT (Hagan, C.) To prohibit an employee of a public or nonpublic school or institution of higher education who is not in a position of authority from engaging in sexual conduct with a minor at least four years younger than the employee who is enrolled in or attends that public or nonpublic school or who is enrolled in or attends that institution of higher education. (1st Hearing-Sponsor)

HBFIREARMS (Maag, R.) To extend to handguns affirmative defenses to a charge of carrying a concealed weapon or having or transporting a firearm in a motor vehicle, and to modify the prohibition against carrying a concealed handgun onto institutions of higher education, places of worship, day-care facilities, aircraft, certain government facilities, public areas of airport terminals and police stations, and school safety zones. (1st Hearing-Sponsor)

HBWOMENS' POLICY (Pelanda, D., Kunze, S.) To designate the second week of March as Ohio Womens' Week for Policy and Entrepreneurship, to create the Ohio Womens' Policy and Entrepreneurship Committee, and to require the state, in collaboration with the private sector, to conduct a two-day competition and forum each even-numbered year during the designated week. (1st Hearing-Sponsor)

HBABORTION (Patmon, B., Conditt, M.) To require the Department of Health to ensure that state funds and certain federal funds are not used either to perform or promote elective abortions, or to contract or affiliate with any entity that performs or promotes elective abortions. (2nd Hearing-All testimony-Possible amendments & vote)

House Economic & Workforce Development (*Committee Record*) (Chr. Baker, N., 466-0961), Rm. 114, 9 a.m.

HB AUTO TECHNICIANS (Antani, N., Reineke, B.) Regarding employers of automotive technicians and motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program. (1st Hearing-Sponsor)

HB TAX EXEMPTION (Young, R., Romanchuk, M.) To exempt employment services and employment placement services from sales and use tax. (5th Hearing-All testimony)

House Education (*Committee Record*) (Chr. Brenner, A., 466-6711), Rm. 313, 9:30 a.m.

HRDAY DESIGNATION (Clyde, K.) Designating Thomas Paine Day in Ohio, January 29, 2016. (1st Hearing-Sponsor)

HBPRIVATE SCHOOLS (Brinkman, T.) With regard to requirements for chartered nonpublic schools. (1st Hearing-Sponsor)

HBTRUANCY (Rezabek, J., Hayes, B.) With regard to habitual and chronic truancy and compulsory school attendance. (1st Hearing-Sponsor)

HBSTATE ASSESSMENTS (Roegner, K.) To prohibit the Department of Education from including students who "opt-out" of state assessments in calculations of certain grades in the state report card and to declare an

emergency. (1st Hearing-Sponsor & proponent-Possible substitute)

HB CPR TRAINING (Grossman, C., Manning, N.) To require instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as a requirement for high school graduation. (5th Hearing-All testimony-Possible vote)

SB EDUCATION LAWS (Hite, C., Faber, K.) To exempt high-performing school districts from certain laws; to revise the law regarding the administration of state primary and secondary education assessments; to permit school districts to contract with hospitals, health care professionals, and educational service centers for school health services; to revise the competitive bidding threshold for school building and repair contracts; and to require the School Facilities Commission to develop a legislative proposal assisting high-performing school districts in purchasing technology, building expansion, and physical alterations to improve school safety or security. (4th Hearing-All testimony)

House Health & Aging (Committee Record) (Chr. Gonzales, A., 466-4847), Rm. 116, 9:30 a.m.

HB TRAUMA SYSTEM (Grossman, C., Huffman, S.) To establish the State Trauma Board in the Ohio Department of Health, to require that facilities that provide trauma care be designated by the Board as level I, II, or III trauma centers, and to provide that the amendment by this act to section 101.82 of the Revised Code terminates on December 31, 2016. (4th Hearing-All testimony-Possible substitute)

HB MOBILITY AID TRANSPORTATION (Kuhns, C., Romanchuk, M.) To modify the provisions governing the transport of persons who may use a wheelchair or other mobility aid. (3rd Hearing-Opponent)

HB FETAL REMAINS (McColley, R., Koehler, K.) Regarding final disposition of fetal remains from abortions. (2nd Hearing-Proponent)

HB FETAL REMAINS (Sears, B., Ginter, T.) Regarding the disposition of fetal remains from abortions. (2nd Hearing-Proponent)

HCRDD EMPLOYMENT SERVICES (Romanchuk, M., Antonio, N.) To urge the Congress of the United States to request that the federal Centers for Medicare and Medicaid Services revise its guidance on employment services for individuals with developmental disabilities to maintain their right to participate in programs offered by facility-based day programs, training centers and sheltered workshops. (2nd Hearing-Proponent)

HB DRUG INJECTIONS (LaTourette, S.) To authorize a pharmacist to administer by injection certain prescribed drugs. (1st Hearing-Sponsor)

SCR DIABETES RESEARCH (Balderson, T., Gentile, L.) To urge the United States Congress to increase federal funding for research and development involving advanced medical technology used in the treatment of type 1 diabetes. (1st Hearing-Sponsor)

House Financial Institutions, Housing & Urban Development (Committee Record) (Chr. Terhar, L., 466-8258), Rm. 017, 10 a.m.

HBLINKED DEPOSITS (Schuring, K.) To create the business linked deposit program, to permit credit unions to participate in that program, to permit credit unions to participate in the agricultural linked deposit program, and to make other changes to the linked deposit law. (1st Hearing-Sponsor)

Senate Transportation, Commerce & Labor (Committee Record) (Chr. Manning, G., 644-7613), North Hearing Rm., 10:15 a.m.

SB ROAD NAMING (Obhof, L.) To designate a portion of I-71 in Richland County as the "Lt. Col. Albert L. Allen, Jr. Memorial Highway." (1st Hearing-Sponsor)

SB LICENSE PLATE (Lehner, P.) To create the 'Ohio Association of Child Caring Agencies' license plate. (1st Hearing-Sponsor)

SB LICENSE PLATE (Hughes, J.) To create the "Ohio Nurses Association" license plate. (1st Hearing-Sponsor)

SB ROAD NAMING (Hite, C.) To designate a portion of U.S. Route 30 in Hancock County as the "Congressman Michael G. Oxley Memorial Highway." (1st Hearing-Sponsor)

SB MOTOR VEHICLE SALES (Uecker, J., Coley, B.) To revise the law governing new motor vehicle

242 franchise agreements. (2nd Hearing-Proponent)**Senate Rules & Reference** (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.**Senate Criminal Justice** (Committee Record) (Chr. Eklund, J., 644-7718), North Hearing Rm., 11:15 a.m.

- Confirmation hearing on governor's appointment of Kimberley Jacobs, Ohio Peace Officer Training Commission

HB FAILURE TO STOP (Hill, B.) To increase the penalty for failure to stop after a traffic accident that results in the death of a person or serious physical harm to a person and to name this act Brandon's Law. (6th Hearing-All testimony-Possible vote)

SB DRUG VOLUME (LaRose, F.) To provide that five milligrams or more of fentanyl or an amount equal to or exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount for purposes of the laws governing drug offenses, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances. (1st Hearing-Sponsor)

HB RECORD SEALING (Pelanda, D., Rogers, J.) To allow a person who is convicted of an offense that may not be sealed to apply to have the conviction sealed if, before the person makes that application, the offense is changed so that it may be sealed. (1st Hearing-Sponsor)

SB SEXUAL CONDUCT (Hughes, J., Hottinger, J.) To prohibit a person from engaging in sexual conduct with an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling. (4th Hearing-All testimony-Possible amendments)

SB DEATH SENTENCES (Seitz, B., Williams, S.) To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. (5th Hearing-Opponent & interested party)

House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.**Senate Session** (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.**House State Government** (Committee Record) (Chr. Maag, R., 644-6023), Rm. 121, 2:30 p.m. or after session

HB MILITARY RECORDS (Perales, R.) To specify that an order for active military service or other documentation regarding the call to order of an individual in the Armed Forces of the United States or the Ohio organized militia is not a public record. (1st Hearing-Sponsor)

HB STATE SEAL (Perales, R.) To add a representation of the Wright Brothers' first piloted airplane to the Coat of Arms and Great Seal of the State of Ohio. (1st Hearing-Sponsor)

HCR MAGNA CARTA (Brenner, A.) To recognize and celebrate the 800th Anniversary of the Magna Carta. (1st Hearing-Sponsor)

HB TRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. (2nd Hearing-Proponent-Possible substitute)

Senate Civil Justice (Committee Record) (Chr. Bacon, K., 466-8064), Finance Hearing Rm., 2:30 p.m. or after session

SB COURT PROCEEDINGS (Seitz, B.) To enact the Uniform Interstate Depositions and Discovery Act. (2nd Hearing-Proponent)

SB VEHICLE FORCIBLE ENTRY (Hughes, J., LaRose, E.) To grant a person immunity from civil liability **215** for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle because the minor or the animal is in imminent danger of suffering harm. (4th Hearing-Possible vote)

Agency Calendar

~~Canceled: Residential Construction Advisory Committee, Division of Industrial Compliance, 6606 Tussing Road, Training Room 3, Reynoldsburg, 9 a.m.~~

BWC Pharmacy & Therapeutics Committee, 30 W. Spring St., Room 1 on Level 2, Columbus, 1:30 p.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Public Facilities Commission, 35th Fl., 30 E. Broad St., Columbus, 3 p.m.

Event Planner

Fordham Ohio report release: Lessons from Ohio's best charter schools, Thomas B. Fordham Institute, 100 E. Broad Street, 6th Floor Conference Room B, Columbus, 8:30 a.m.

Democratic lawmakers news conference on their economic agenda, Harding Senate Press Room, Statehouse, Columbus, 10 a.m.

Rep. Jonathan Dever (R-Madeira) and Rep. Margy Conditt (R-Liberty Township) fundraiser, Due Amici, 65 E. Gay Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Jonathan Dever and/or Friends of Margy Conditt)

Rep. Tony Burkley (R-Payne) and Rep. Rob McColley (R-Napoleon) fundraiser, Oliver's, 26 N. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Citizens to Elect Tony Burkley and/or Citizens for McColley)

Rep. Stephanie Kunze (R-Hilliard, candidate 16th Senate District) fundraiser, Athletic Club of Columbus, Parlors A&B, 136 East Broad Street, Columbus, 5 p.m., (Host \$2,500, Chair \$1,000, Sponsor \$500, Individual \$350 to Citizens for Stephanie Kunze)

Rep. Anthony DeVitis (R-Green) fundraiser, Ringside, 19 N. Pearl Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Elect DeVitis)

Rep. Andrew Brenner (R-Powell) fundraiser, Chintz Room, 121 S. High Street, Columbus, 5:30 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Brenner for Ohio)

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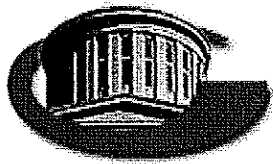
Ohio Report, Wednesday, January 27, 2016

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>

Wed, Jan 27, 2016 at 6:26 PM

To: sml@sarahlatourette.com

**GONGWER** Ohio
The Record of Capitol Square Since 1906**Ohio Report for Wednesday, January 27, 2016**

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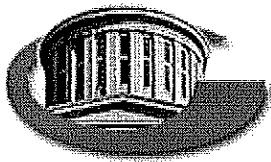
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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #85, Report #17 -- Wednesday, January 27, 2016

Senate Passes Measure To 'Defund' Planned Parenthood

A bill that would strip Planned Parenthood of about \$1.3 million in state funding passed the Senate Wednesday along party lines but will have to wait on a House concurrence vote before it heads to the governor.

The bill ([HB 294](#)) passed 22-8 with all Democrats opposed. It would bar any organization that performs or promotes abortions from receiving funding from a number of programs through the Ohio Department of Health, including programs that provide for HIV testing, reproductive education and cancer screenings.

The Senate passed a similar bill by a 23-10 party line vote in October. The measure approved Wednesday was nearly identical except for an amendment aimed at combating infant mortality. (See [Gongwer Ohio Report, October 21, 2015](#))

Senate [President Keith Faber](#) (R-Celina) said after session he didn't have concerns the bill would negatively impact hospitals or insurers - an issue that was raised in committee.

"The language is essentially similar to what was done when we passed this bill before," he said. "We think that the language is narrowly tailored. We think it is directed to try to target those entities that have relationships with an industry that performs abortions."

He also said he expects the House to agree to the Senate's changes next month. "We anticipate they'll take it up and act promptly on it when they come back," he said.

[Speaker Cliff Rosenberger](#) (R-Clarksville) said he is supportive of the Senate's changes, but delayed concurrence because he didn't want to hold up his chamber's session, which ended about an hour before the bill received a vote.

"I think it's really good and it gives even more ability to allow for another option for women, especially when we're looking at how are we going to continue to help with this infant mortality rate throughout the state," he said of the amendment.

Backers of the bill said it would take money that goes to Planned Parenthood and make sure it goes to other providers more widely dispersed around the state that provide care for women.

"This bill is about focusing on getting important medical services delivered more uniformly across the state of Ohio," [Sen. Bill Coley](#) (R-Liberty Twp.) said.

Democrats decried the bill as political and said it has unintended consequences that will negatively affect health care for women.

[Sen. Capri Cafaro](#) (D-Hubbard) urged Ohioans who opposed the measure to take note, calling on them to be more politically active.

"Don't give up. That's the opposite of what you should do. If you throw up your hands and quit, then you know nothing will get done," she said. "What is happening here today is a direct result of an imbalance between those

who have participated and those who have not. Elections have consequences, and we are living that consequence here today."

Democrats said the bill was an effort to strip Planned Parenthood of funding after videos that emerged last year purporting to show the organization discussing selling tissue from aborted fetal remains. Those videos prompted numerous investigations, including by Attorney General Mike DeWine, which determined Ohio's Planned Parenthood affiliates had not engaged in such a practice. (See Gongwer Ohio Report, December 11, 2015)

Democrats said the videos were deceptive. On Tuesday, a Texas grand jury indicted two people involved in making the videos for tampering with a governmental record, a second-degree felony.

"The underlying issues of those videos, fetal tissue sales, never happened in any Planned Parenthood office in Ohio or anywhere else, for that matter," Sen. Tom Sawyer (D-Akron) said.

Sen. Sawyer said the bill will have unintended consequences, potentially forcing doctors in hospitals to avoid advising patients about abortions for fear their organization could be seen as promoting abortion. He also said the bill would remove a common source of health care for Ohioans who often struggle to find it.

"We all know what this bill will actually do," he said. "It will prevent some of Ohio's most underserved populations from accessing proper health care."

Sen. Kenny Yuko (D-Richmond Hts.) said many of the places the money and patients will be diverted to won't be able to provide the same services with the same honesty as Planned Parenthood.

"Crisis pregnancy centers are not health clinics and they do not provide the information Ohioans need to make important decisions," he said.

Sen. Yuko did praise Sen. Coley for allowing witnesses to testify without time limits during the hearing process, something Democrats criticized when the Senate's version was passed. (See Gongwer Ohio Report, October 17, 2015)

Sen. Shannon Jones (R-Springboro) voiced her support for the amendment, which she said is designed to help combat infant mortality. The amendment would add a \$250,000 earmark for Federally Qualified Health Centers to develop best practices promoting safe sleep, birth spacing, smoking cessation and other programs to lower the risk of infant mortality. It would also call on the director of Medicaid to draw up rules allowing pregnant women to be presumptively eligible for Medicaid, allowing them to receive affordable care during pregnancy.

"Doing this today is one more step to reducing Ohio's abysmal infant mortality rate," she said.

Sen. Peggy Lehner (R-Kettering) said the goal was not to eliminate those programs for women, but to make sure they're more widely distributed.

"Does Planned Parenthood do good? Yes, at times they do," she said. "And because of those services they're providing, it is not enough to cancel the funding that goes to Planned Parenthood. We have an obligation in this state to make sure that women in this state have access to adequate health care."

Hearing: The bill was reported out of the Senate Government Oversight and Reform committee after being amended earlier Wednesday. The vote to report the bill was also along party lines, with Sen. Yuko, Sen. Cafaro and Sen. Michael Skindell (D-Lakewood) opposed.

Sen. Bill Seitz (R-Cincinnati) proposed the amendment earmarking funding for infant mortality programs. The money comes from the Mother's and Children's Safety Net Services Fund, Sen. Seitz said.

The committee rejected two amendments offered by Sen. Yuko along party lines. One amendment would have required that all of the money that currently goes to Planned Parenthood for the various programs would be allocated.

"If the proponents of the bill are correct that there are plenty of other providers, then this language would sit unused," Sen. Yuko said.

The other amendment would have increased oversight of the organizations that received the funding, Sen. Yuko said.

The committee heard from nearly a dozen witnesses Wednesday, most of whom opposed the bill. The hearing was the second one on the bill, after a first hearing Tuesday evening that included testimony from more than 20 witnesses. (See Gongwer Ohio Report, January 26, 2016)

Melanie Miller, executive director of the Ashland Care Center in Ashland, testified in support of the bill. She said her center provides faith-based pregnancy care, and has been doing so for years. She said she's seen people share stories of regret and guilt after having an abortion. Her center, she said, educates about alternatives to abortion.

"When they walk into our doors, they are greeted with hope, they are greeted with unconditional love from the members of our staff and they are greeted with the truth of God's word," she said.

Brian Lutz, a community health educator at Planned Parenthood, said losing the funding would affect people in underserved communities who come to the clinics for HIV tests and other programs.

"This 20-minute rapid HIV test is not just a test," he said. "It is an intervention for the client. It is a time to provide client-centered risk reduction counseling to a community member in need."

Brittany Kasturiarachi, one of a few medical students from Ohio University who testified against the bill, said it would take away a source of diagnosis and treatment for some forms of cancer.

"Preventative care in medicine can be one of the most effective ways to take care of patients while also reducing healthcare costs long term," she said. "Cancer is the second leading cause of death in the United States, according to Centers for Disease Control. Planned Parenthood is responsible for providing more than 14,000 cancer screenings per year."

Former state Rep. Marian Harris, representing the National Council of Jewish Women, Columbus and Cleveland sections, said Planned Parenthood has been providing a vital resource for women who often can't find reproductive health care elsewhere.

"To eliminate programmatic funding addressing these issues to Planned Parenthood makes no sense," she said. "They have been providing these services for years to women who would have no other options."

Sen. Larry Obhof (R-Medina) asked how much the loss of about \$1.3 million in funding would hurt Planned Parenthood's 28 locations in Ohio.

Ms. Harris said it would likely affect the smaller facilities, like one in Athens, that don't perform abortions more.

"The bottom line is that federal and state money are not used for abortions, period," she said. "These other services are being provided by Planned Parenthood, and to cut the funding for those services, I think, is morally wrong."

Rachel D'Amico, a medical student at The Ohio State University, said the measure would put more strain on an already struggling health care system.

"Defunding health centers overnight that serve thousands of people in Ohio, will create an immediate crisis in health care access," she said. "In a health care system that is already overworked, other community centers are not equipped to serve so many more patients."

Ms. D'Amico said there are seven counties in Ohio where Planned Parenthood is the only place that provides publicly funded contraceptive services. Sen. Obhof questioned if redirecting the money from Planned Parenthood to other organizations would allow more places to offer the services.

"It actually would redirect that income stream to a lot of organizations that aren't currently publicly funded," he said. "I think overall, this will actually increase the number of publicly funded facilities."

House Advances Bills To Create Address Confidentiality Program, Permit Higher Ed Performance Audits

The secretary of state's office would create an address confidentiality program for victims of various types of abuse under a bill that cleared the House Wednesday.

The measure ([HB 359](#)) received unanimous support during a session in which members also passed bills subjecting state institutions of higher education to performance audits ([HB 342](#)) and to grow the state's wine industry.

Rep. Mike Duffey (R-Worthington) said creating an address confidentiality program would ensure that attackers could not learn their victims' addresses through voting, licensing board and other public records. The program provides a P.O. Box address for those enrolled.

"For so many other victims in Ohio - domestic abuse, rape, human trafficking or stalking - even if it's not a question of life or death, this provides them with some sense of freedom and security," he said after emotionally telling the story of a victim who testified during committee in support of the bill because her mother and children were killed by her abuser.

Sharing the speaker's and minority leader's addresses, joint sponsor Rep. Gonzales said it took no more than five minutes to find such information online where it's readily available to abusers who want to stalk their victims.

Secretary of State Jon Husted praised the House's passage of the legislation, saying it ensures victims can practice the right to vote.

"It is unnecessary that today in America, there are people who have to choose between their personal liberties and their personal safety," he said in a statement. "We know there are those in Ohio who, out of fear for their well-being, choose to not register to vote and participate in our democracy, but we have the opportunity to change that. I applaud the House for joining me today in standing with these survivors."

Having been a sponsor of a similar bill ([HB 193](#)) four times, Rep. Kathleen Clyde (D-Kent) urged her colleagues to support it. However, she explained four provisions she'd like to see changed in the Senate to make the bill more closely resemble those she's previously introduced.

The legislation that's headed to the upper chamber would require victims to have notarized a statement that they are living in fear and there are penalties for those who fraudulently enter the program.

"It sends the message that we don't trust or believe these women," Rep. Clyde said, adding that it's possible an abuser could attempt to have his victim's enrollment overturned by arguing that it's fraudulent.

She also questioned the bill's provisions that allow the county boards of elections to handle the absentee voting for the program members and provide immunity to government employees in cases where the information is retrieved by an attacker.

The House also unanimously cleared a performance audit measure that sponsors said could save colleges and universities millions of dollars.

While Rep. Clyde said institutions are under enough scrutiny and she hopes this is the last "burden" that will be placed on them, sponsoring Rep. Tim Schaffer (R-Lancaster) said subjecting select schools to the audits could lower the costs of higher education.

For every \$1 agencies have spent on performance audits, they were provided recommendations on how to save \$33, he said.

"The potential savings that our state universities will see far outweigh the costs of performing these performance audits," he said. "In an era when student loan debt is crushing our young people and the cost of higher education has discouraged some of them from pursuing a degree, we need to explore every avenue we can to keep education costs low."

Auditor Dave Yost echoed those sentiments.

"Performance audits get results - we've already provided more than a billion dollars in recommended savings in Ohio," he said in a statement. "Colleges and universities should receive these benefits as well."

The House also passed measures to establish liquor permits to sell wine at farmers markets (HB 178), create the Ohio Farm Winery Permit (HB 342), and to designate a portion of State Route 48 as the SFC Booby Lee Estle Memorial Highway (HB 256).

The wine bills will create a stronger market for the industry, about 80% of which is situated in Ashtabula County, Rep. John Patterson (D-Jefferson) said.

Members also unanimously passed a measure (SB 2) to conform Ohio's tax laws to recent changes at the federal level. The Senate later concurred 31-0 to the House's amendments.

Senate Approves Capital Reappropriations Bill; Bids Widener Farewell

The Senate voted unanimously Wednesday to support legislation reauthorizing the use of nearly \$1.5 billion in state funds that were allocated in previous capital budgets but which have not yet been spent.

The vote on the bill (SB 260) came with little discussion after members earlier passed a controversial abortion-related measure (*See separate story*).

Sen. Bill Coley (R-Liberty Township) said the measure ensures that planned and funded infrastructure projects continue to receive financial support from the state. He added that the reappropriations process was considered as a standalone project this year because a new capital bill is not expected to be passed until April.

Before the vote, Sen. Dave Burke (R-Marysville) won support for an amendment that redirects \$60,000 previously allocated for a Marseilles reservoir bulkhead project to trail work at Tiffin's Josiah Hedges Park.

The lawmaker said the funds are no longer needed at the reservoir because the Ohio Department of Natural Resources has lowered water levels, eliminating the need for the work.

The session also marked the final voting session for Sen. Chris Widener (R-Springfield), who announced last week he would be retiring from the chamber at the end of the month. (See Gongwer Ohio Report, January 21, 2016)

Sen. Larry Obhof (R-Medina) praised Sen. Widener as a mentor for new legislators, saying he would often wander into offices late at night to check on the more junior members and see how their amendments or work was coming along.

"I think he was here for the right reasons," Sen. Obhof said. "I think that matters, and you see that in the kinds of things that he's done in the past couple of years."

Sen. Tom Sawyer (D-Akron) said Sen. Widener is a thoughtful, detail-oriented person, and that even though they were on different sides of the aisle, he enjoyed working with him.

"Chris is not a man of many words," Sen. Sawyer said. "He doesn't run off at his mouth. He is a man of attention to detail. He's careful about what he does and what he said."

In his farewell speech, Sen. Widener thanked many current and former members of his staff and each senator.

Senate President Keith Faber (R-Celina) said after session the majority caucus will be accepting applications for the appointment through next Friday, and will conduct interviews and select a successor soon after that.

Sen. Faber said he doesn't know who will apply for the seat, but acknowledged there are two options the caucus can take. "You either can pick somebody who's going to be on the ballot, or you can pick somebody's who's just going to fill it until somebody who's on the ballot gets elected," he said.

"We're open to either, but I certainly think that if you've already put your name out there on the ballot, it's probably instrumental to whether you're going to serve."

In terms of replacing Sen. Widener as president pro tem, Sen. Faber said the timing on that question has not been resolved.

"I will decide when and how we do that sometime in the near future," he said.

Democrats' Agenda Includes Minimum Wage Boost, Paid Family Leave, College Tax Breaks

Legislative Democrats on Wednesday unveiled a set of policy initiatives they say will boost the economic prospects for Ohio's middle class.

The proposals include an increase in the minimum wage, paid family leave, a sales tax exemption on certain goods and state income tax deductions for higher education.

"We have the ability and the responsibility to improve the quality of people's lives with the policies we enact at the Statehouse," House Minority Leader Fred Strahorn (D-Dayton) said.

"We need to refocus state government's efforts away from chasing headlines and national campaigns," he added.

Speaker Cliff Rosenberger (R-Clarksville) said he's proud of the work his caucus has done to rebound the state's economy and put the state on a "sound track," but Senate Minority Leader Joe Schiavoni (D-Boardman) accused Republicans of having "misplaced priorities that continue to dominate the calendar here in Columbus."

Nonetheless, he acknowledged the difficulty Democrats will face in pushing their agenda through a General Assembly dominated by Republicans.

"The numbers are what they are," he said, adding that continually raising the issues could force some Republicans to get on board or lead to public pressure to move some of the bills.

The increased minimum wage proposal would boost the figure to \$10.10 per hour and require the Department of Commerce to raise it annually based on inflation. Tipped employees could be paid no less than half the minimum wage. Legislation (SB 25) has already been introduced in the upper chamber by Sen. Kenny Yuko (D-Richmond Hts.). Rep. Kent Smith (D-Euclid) will carry the measure in the lower chamber.

Rep. Smith said the proposal would give one million Ohioans a raise and circulate \$2.1 billion back into the state's economy.

The paid family leave proposal - which will be carried by Rep. Christie Kuhns (D-Cincinnati) on the House side and Sen. Capri Cafaro (D-Hubbard) on the Senate side - will provide 12 weeks of paid family and medical leave benefits beginning in 2020. Eligible events will include the birth or adoption of a child or a serious health condition with a family member.

Rep. Jack Cera (D-Bellaire) and Rep. Emilia Sykes (D-Akron) will lead the charge on the House side to exempt certain products from the state sales tax. Sen. Charleta Tavares (D-Columbus) will take point in the Senate on the plan that would exempt disposable diapers, feminine hygiene products, non-prescription medications and prescription drugs from the tax.

The proposal will also create a bi-partisan Legislative Commission on Middle Class Economic Strength to study the fiscal impact of any legislation that shifts tax responsibility.

Another measure would create a state income tax deduction for higher education expenses for individuals with a gross income of \$50,000 or less or married couples with a gross income of \$100,000 or less. Tuition and fees at for-profit institutions would not be eligible for the deduction.

Rep. Dan Ramos (D- Lorain), who will sponsor a bill on the House side, said he would be willing to adjust the income caps to gain support for the legislation.

"If that's the sticking point, I'll happily move it," he said. "We need to help people that can't afford to go to college go to college."

The lawmakers are also pushing proposals that include:

- An "equal pay for equal work" bill, which would prohibit gag orders that prevent employees from taking about their salaries with co-workers and include a requirement that vendors doing business with the state obtain an equal pay certificate. The bill will also create a Gender Pay Disparity Task Force.
- A "paycheck freedom" bill that creates a new assessment to determine if a worker is an employee or independent contractor.
- Clean energy legislation that would set higher renewable portfolio energy standards, energy efficiency standards and peak demand reduction benchmarks in 2016.
- An infrastructure improvement plan that would make \$1 billion available to local governments with voter approval.

"We can work in a bipartisan way to make sure our children can prosper in a state that puts family first," Mr. Strahorn said.

In response to the press event, Speaker Rosenberger said he believes the General Assembly is already doing so and "is glad that the Democrats can pick up on our ability to plan into the future, because I think House Republicans led last year with the plan that we have to look to the future for more sustainability."

He added that 95% of bills passed last year received bipartisan support.

"I don't think we're that far off. We're going to have to keep focusing on issues that advance Ohioans," the speaker said.

Changes To Opt-Out Legislation Include Teacher Penalties For Supporting Movement

Pressing legislation that would change how state report card grades are calculated was amended Wednesday in an attempt to slow the testing opt-out movement that has skewed some districts' scores.

The measure (HB 420), which would impact report cards set to be released Feb. 25, has been placed on the fast track. It received sponsor testimony, proponent testimony and a substitute bill was accepted during the first hearing in the House Education Committee.

Members offered support for the original proposal that would have revoked the Performance Index scores already sent to districts and recalculated them without including students that opted out of state tests.

State law required the Department of Education to factor in those students who did not take the test as receiving zeros when setting school and district PI scores - a practice that sponsoring Rep. Kristina Roegner (R-Hudson) said isn't fair. (See Gongwer Ohio Report, January 6, 2016)

"These opt outs are beyond the control of the school district, and it is simply not a fair representation of the performance of the school," she said.

The substitute bill, however, would require ODE to publish two sets of scores - one including those students who didn't take state assessments and one that doesn't factor them in - as well as set penalties for teachers who encourage parents to opt their children out of state exams.

Teachers who are found to have encouraged students to sit out for the state tests would be suspended for one year and could be subject to termination and a minor misdemeanor charge under the substitute bill.

The changes, Rep. Roegner said, were a compromise with the Senate as well as interested parties that have raised concerns about the original proposal's effect on the value of state assessments.

"Some people really do believe this could be used to artificially inflate the grades so that was the compromise that was reached," she said, suggesting that it's possible teachers could encourage students not likely to perform well on the tests to not take them in an effort to ensure the school receives the best report card grades possible.

"I am open to figuring out what's the balance there," she added, noting that teachers involved with students' Individualized Education Plans would not be subject to the sanctions.

Rep. John Patterson (D-Jefferson) and Rep. Teresa Fedor (D-Toledo) said the penalties could tie the hands of teachers who are asked for their professional opinions on whether certain students should be taking state tests.

They also argued that teachers would not keep students from taking tests simply because they were worried the overall school or district score would be dragged down.

"I don't think teachers and administrators would be nefarious," Rep. Fedor said. "I'm sick of (the idea that) we can't trust teachers."

Concerns were also raised about the need to report two scores and the substitute bill language that permits the new calculation only for the 2014-15 school year.

Superintendents who testified in support of the bill said reporting more than one PI score will add to confusion parents and community members have endured over the last few years with standards and testing changes. However, Rep. Roegner said she is on board with the agreement to release two scores.

"I think it's very powerful. It will be great information for all the families and the students in Ohio to look at these grades side by side (and see how opt outs) are negatively affecting the schools," she said. "At the end of the day, we want fewer and fewer students to opt out."

"I believe that if this bill goes forward and families and students across the state see what's happening to their performance scores of their school, you'd see lower opt out rates in the future because no one wants to drag down their hometown school," Rep. Roegner added.

Superintendents from Twinsburg City, Marion Local, Minster Local and Loveland City schools told the panel that their PI scores to be published next month are significantly lower because of the high number of students who did not take state tests.

Marion Local School District Superintendent Mike Pohlman said his Mercer County district is typically among the highest scoring in the state, but a 21% opt out rate has dropped the usual A grade down to a D.

"This significant drop is due to the large number of students who opted out of state testing and has nothing to do with educational practices used by our district. In our community along with other neighboring communities, we experienced a large political movement from citizens who opposed the Common Core Standards along with an overabundance of state testing," he said.

A sentiment shared by the administrators was that outside groups worked to influence parents to opt out their children while the districts continue to be supportive of Common Core and encourage students to take state tests.

Higher report card scores aren't the only reason districts are hoping to turn the tide on opt outs. Under federal law, at least 95% of students must take standardized tests in order for states to receive funding.

Chairman Rep. Andrew Brenner (R-Powell) said he's learned from ODE that the state receives about \$1.2 billion from the federal government for meeting its guidelines. While the department is examining new federal laws, he said he doesn't believe it's possible to receive a waiver for the 95% requirement.

While the bill, which includes an emergency clause, requires expediency, the chairman said there are a number of differences between stakeholders that he'd like to iron out before advancing it.

Sen. Peggy Lehner (R-Kettering), chair of the Senate Education Committee, is expected to introduce companion legislation so hearings can take place in both chambers simultaneously, Rep. Roegner said.

Proponents Of Fetal Remains Disposal Bills Urge Passage, Face Democrats' Questions

Although a contentious House bill to defund Planned Parenthood soaked up much of the attention Wednesday, testimony on a pair of other abortion-related bills was heard for the second time in the House Health & Aging Committee.

The bills (HB 417 and HB 419) were introduced last month after Attorney General Mike DeWine announced his office determined Planned Parenthood's Ohio affiliates were turning fetal tissue over to companies that dispose of it in landfills.

Planned Parenthood called the accusations "baseless," but the AG investigation prompted the introduction of a trio of bills to address the issue. (See Gongwer Ohio Report, December 11, 2015)

The investigation was sparked by a series of secretly shot videos - over which two filmmakers have since been indicted by a Texas grand jury. They're the same videos that prompted the Planned Parenthood defunding bill (HB 294), which on Wednesday afternoon was passed by the Senate. (*See separate story*)

During proponent testimony Wednesday, anti-abortion advocates encouraged lawmakers to move the bills, while fielding pointed questions from Democrats.

HB 419, sponsored by Rep. Barbara Sears (R-Maumee) and Rep. Tim Ginter (R-Salem), would require the director of the Department of Health to adopt rules requiring abortion facilities to dispose of fetal remains by burial or cremation.

HB 417, from Rep. Kyle Koehler (R-Springfield) and Rep. Rob McColley (R-Napoleon), would require consent from the woman seeking an abortion and would require the woman to choose either burial or cremation.

Ohio Right to Life Executive Director Stephanie Ranade Krider led several other ORTL-affiliated witnesses, including Dayton Right to Life Executive Director Paul Coudron, in lobbying for the bills. Also signaling their support for the bill were representatives from Bethesda Healing Ministry and Back in His Arms Again.

Ms. Krider said ORTL not only works to restrict abortions but also to propose standards "that reflect a culture that honors the dignity of the human person."

"In videos released this summer, Planned Parenthood shared with the public the intricate biological development of the pre-born child, describing the children's hearts, heads, livers, and lungs," she said. "The question at hand is not whether these children are human, but how we should treat them in light of their humanity."

Rep. Nickie Antonio (D-Lakewood) questioned whether Ms. Krider had concerns about whether the death certificate in HB417 would be considered a public record. Ms. Krider said the group's intent is not to make that information public.

"This is a very private, personal issue," Rep. Antonio said. "So I think it's really imperative we make sure the confidentiality is upheld, which leads to: have you considered there may be additional costs for just processing these additional death certificates?"

"I don't think we have any solid estimate of what that cost might be," Ms. Krider replied. "Whatever the cost is, I can't imagine it would be inordinate."

Rep. Ginter, a member of the panel and cosponsor of HB419, said sponsors of the bills do not intend to allow death certificate information of aborted fetuses to be public record.

Rep. Emilia Sykes (D-Akron) expressed concern about a lack of definitions in the bill to terms such as "burial" and "cremation," to which Ms. Krider and Rep. Ginter both said an amendment may be introduced to provide more definition.

Judy Schlueter of Bethesda Healing Ministry said she has spent more than four decades as a nurse, childbirth educator, birth coach and other pertinent roles. She said she has repeatedly encountered post-abortive women who are struggling with their decision.

"For over 40 years I have offered personal counsel and programs of healing for women wounded by abortion," she said. "We have heard repeated over these many years the words '...something inside is broken since my abortion.'"

Rep. Sykes, who said she worked in pre-abortion counseling for a time and has spoken with many women shortly after their abortions, said she's never encountered such a reaction. Ms. Schlueter replied that it often takes years for abortion recipients to grapple with their emotions and reach a point of clarity.

Testifying on HB 419, in addition to Mr. Coudron, was Kambra Malone of Back in His Arms Again, a Columbus-based group that works with hospitals to educate them on the need for a burial plan for families that lose a child.

Ms. Malone said she lost a child to a miscarriage in 2005. The hospital, having no procedure, finally gave the family the fetus in a biohazard bag to take home. It remained in a cooler in their basement for five days while they arranged the funeral.

"I'm here to share this today to provide hope," she said. "This legislation is not a futile effort about regulation; it is legislation to promote the dignity of human life. And I am here to say that it is possible to do so for unborn babies who are lost because of abortion."

Rep. Sykes suggested that Ms. Malone's organization could expand and thus render the bill unnecessary.

"I completely disagree with you," Ms. Malone replied. "There have to be proper protocols in place. What this bill is really trying to accomplish is that all fetal remains are buried (or cremated)."

Prosecutors Group Speaks Out Against Bill That Would Spare Those With Severe Mental Illnesses From Capital Punishment

The organization that represents county prosecuting attorneys across the state has come out in opposition to a bill that will spare those with serious mental illness of the death penalty.

The legislation (SB 162) "expands mental illness considerations far beyond what is necessary and will bar consideration of the death penalty in cases where it should not be barred," according to John Murphy, executive director of the Ohio Prosecuting Attorneys Association.

"It could bar the death penalty regardless of the ability of the defendant to appreciate the nature, consequences, or wrongfulness of his acts or his ability to conform his actions to the requirements of the law," he told members of the Senate Criminal Justice Committee. "It could bar the death penalty for those who are legally and morally responsible for their actions."

Mr. Murphy took particular issue with a provision in the bill that he said places the burden on the state to prove that a mental illness diagnosis is unfounded or did not impair a defendant's capacity at the time of the offense.

"This places on the state the necessity to prove a negative, or in this case, multiple negatives, a particularly difficult undertaking, even by a preponderance standard, especially when it concerns the defendant's exercise of judgement, the ability of the defendant to conform to the law, or the defendant's appreciation of the nature of the defendant's conduct," he said.

Although Sen. Bill Seitz (R-Cincinnati) disputed that claim, he said he would be willing to work with Mr. Murphy's organization to clarify the language.

However, he took issue with the group's other concerns about the bill. He said that in the U.S. Supreme Court case *Atkins v. Virginia*, the court found that the death penalty cannot be applied to those with mental retardation or juveniles due to diminished mental capacity.

Mr. Murphy acknowledged the similarities, but said mental illness is "a different species of mental impairment."

Sen. Seitz then asked what societal purpose is served by putting the mentally ill to death.

Mr. Murphy again brought up the burden of proof that will be placed on the state under the legislation. He also said current law protects those suffering from mental illness in several ways in regard to the death penalty.

"We don't think it warrants an across the board rule," he said.

Sen. Sandra Williams (D-Cleveland) asked why the committee should make changes to the bill based on the complaint of one organization. A group of judges, lawyers and policymakers in 2014 recommended that the legislature protect those that suffer from serious mental illness from capital punishment. (See [Gongwer Ohio Report, May 21, 2014](#))

"I would hope you would do what is right rather than what necessarily received majority votes," Mr. Murphy replied. "They said Galileo was wrong, too."

Former Attorney General Jim Petro provided written testimony in support of the bill.

The measure, he wrote, "creates the appropriate structure and necessary safeguard to address this deeply flawed system."

Michael Kirkman, executive director of Disability Rights Ohio, in written testimony told the committee that the bill "allows for an evidence-based examination of an individual's mental illness including an individualized and functional assessment of each defendant's eligibility for the death sentence - avoiding a reliance on public perceptions which are discriminatory against individuals with mental illness.

Democrats Fear Amendment Could Lead To Additional Overdose Deaths

An amendment added to legislation designed to increase the criminal penalty for a failure to stop after a traffic accident that results in the death or serious physical injury of a person could lead to even more deaths, according to two Democrats.

Sen. Bill Seitz's (R-Cincinnati) amendment to the bill (HB 110) would require emergency medical personnel to provide identifying information, upon request, to law enforcement after a life-saving dose of Naloxone is administered to an overdose victim.

Sen. Seitz told members of the Senate Criminal Justice Committee that the amendment could help law enforcement officers to garner information about drug dealers.

"Those people tend to be willing to disclose from whom they got the almost lethal dose of heroin," he said of overdose victims who receive Naloxone.

However, two Democrats on the panel suggested the amendment could do more harm than good.

Sen. Mike Skindell (D-Lakewood) said he fears the possibility of being questioned by law enforcement could lead some to not seek emergency medical treatment.

"I'm deeply concerned about this amendment because what we do know is that when entities are required to disclose to law enforcement like this, it will discourage someone from calling 911 because they are going to be afraid of criminal prosecution," he said.

"I think it has negative public policy consequences that will result in the death of individuals," he said.

Sen. Seitz, however, said there is currently legislation (HB 249) in the House that will provide immunity to those who seek medical help for drug overdose victims. (See Gongwer Ohio Report, October 30, 2015)

"We're talking about people to whom Narcan has been administered," he said. "These people, for all intents and purposes, are dead. They are not calling 911. They are dead."

Sen. Cecil Thomas (D-Cincinnati), speaking on the amendment with what he called an "understanding of street culture," said he fears the measure would force overdose victims to testify under oath.

"That individual will probably be considered a snitch and get killed at some point," he said, adding that others will be reluctant to provide information to law enforcement after such an event.

Chairman Sen. John Eklund (R-Chardon), however, said the measure will not prevent anyone from "clamming up."

"This is matter of identifying someone to law enforcement. That person remains free," he said, later adding, "This is in no sense compelling anyone to do anything that can place them in jeopardy."

The amendment was ultimately approved over the objections of Sen. Skindell and Sen. Sandra Williams (D-Cleveland) before the panel's report of the bill.

Supplemental Event Planner

Thursday, January 28


Women Leaders news conference to urge state to meet EPA's Clean Power Plan, Ladies Gallery, Statehouse, Columbus, 11 a.m.

U.S. Senate candidate P.G. Sittenfeld, gun control advocates news conference on proposed ballot issue, George Washington Williams Rm., Statehouse, Columbus, 11 a.m.

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